



W.P.(MD) No.19213 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.08.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD) No.19213 of 2024

S.Jayanthi Nirmala Rani

...

Petitioner

-VS-

1. The District Educational Officer
(Elementary Education),
Devakottai,
Sivaganai District.

2.The Block Educational Officer,
Tiruppathur - 630211,
Sivagangai District.

3.The Correspondent
R.C.Fatima Middle School,
Tiruppathur – 630 211,
Sivagangai District.

...

Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records relating to the impugned proceedings issued by the 2nd respondent BEO vide impugned proceedings in O.Mu.No.501/a3/2024, dated .07.2024,



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quash the same and further direct the respondents 1 and 2 herein to sanction annual increments, surrender leave benefits, medical leave benefits, to include in the contributory pension scheme and other allowances towards the petitioner as Secondary Grade teacher in the 3rd respondent school from the date of her appointment i.e., 01.02.2013.

For Petitioner : Ms.A.Amala

For Respondents 1 & 2 : Mr.N.Satheesh Kumar,
Addl. Govt. Pleader.

ORDER

The instant Writ Petition has been filed by a Secondary Grade Teacher, employed in the third respondent institution, seeking to quash the order passed by the second respondent herein, wherein, the request of the petitioner for grant of annual increments has been rejected, on the ground that she has not passed TET examination.

2. The petitioner was appointed as a Secondary Grade Teacher in the third respondent school on 01.03.2013. When the management sent a



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proposal for approval of appointment of the petitioner to the educational authorities, the authorities rejected the said request, on the ground that the petitioner had not passed TET examination. The petitioner filed W.P.(MD) No. 6418 of 2013 to approve her appointment. This Court, by an order, dated 24.08.2016, allowed the writ petition along with a batch of other writ petitions with a finding that a pass in TET examination was not mandatory for being appointed as a teacher in a minority educational institution.

3. Pursuant to the said orders of this Court, the appointment of the writ petitioner was approved by the educational authorities with effect from 01.03.2013. However, the petitioner was not granted annual increments from the date of her appointment. When she made a representation to the authorities, the second respondent, under the impugned order, has rejected the said request, on the ground that since the petitioner has not passed TET examination, she is not eligible to annual increments. The said order is under challenge in the present writ petition.

4. According to the learned counsel for the petitioner, when a pass in TET examination is not mandatory for being appointed as a teacher in a minority institution, it follows that the petitioner is entitled to all other



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consequential benefits and, therefore, the authorities cannot contend that only the appointment is approved and, for granting any further consequential benefits, a pass in TET is a must.

5. Per contra, the learned Additional Government Pleader, appearing for the respondents, has contended that the order of this Court was restricted to the approval of the appointment of the writ petitioner and the petitioner cannot take advantage of the same for conferment of further benefits in her service.

6. I have carefully considered the submissions on either side and also perused the material available on record.

7. A Hon'ble Division Bench of this Court in W.A.No.313 of 2022 and Batch cases, by a judgment, dated 02.06.2023, in Paragraph 71.1, has clarified, that, for being appointed as a teacher in a minority institution, a pass in TET examination is not mandatory. Once the Hon'ble Division bench has held that a pass in TET examination is not mandatory for being appointed as a teacher in a minority institution, it follows that the appointee would be entitled to all other consequential benefits, including payment of annual



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increments. Therefore, the order impugned in the writ petition is liable to be set aside and the same is hereby set aside. The respondents 1 and 2 are directed to confer the eligible annual increments to the writ petitioner within a period of twelve weeks from the date of receipt or production of copy of this order.

8. Writ Petition stands allowed to the extent indicated above. No costs. Consequently, the connected W.M.P.(MD) No.16268 of 2024 is closed.

20.08.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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2. The Block Educational Officer,
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R.VIJAYAKUMAR, J.

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