



W.P.(MD).No.20380 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20380 of 2024

and

W.M.P(MD) No.17297 of 2024

A.Sahaya Malarvizhi,
B.T.Assistant History,
St.Theresa's Higher Secondary School,
Vadakankulam,
Tirunelveli District.

... Petitioner

Vs.

1. The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
2. The District Educational Officer,
(Secondary)
Tirunelveli, Tirunelveli District.

Previous office
Cheranmahadevi @ Tirunelveli,
Tirunelveli District.

3. The Correspondent,
St.Theresa's Higher Secondary School,
Vadakankulam,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, calling for the



W.P.(MD).No.20380 of 2024

records relating to the impugned proceeding issued by the second respondent herein in Na.Ka.No.2858/Aa2/2017, dated 23.09.2017, quash the same and further direct the respondents 1 and 2 herein to disburse the yearly increments and all other attendant monetary benefits to the petitioner w.e.f., the date of appointment i.e., 23.06.2017.

For Petitioner : Mr.A.Ajith Geethan
For R1 and R2 : Mr.J.Ashok
Additional Government Pleader

ORDER

The instant writ petition has been filed by a B.T.Assistant (History), challenging the order dated 23.09.2017, wherein her appointment order was approved, subject to the condition that except grant-in-aid for salary, she will not entitle for other benefits.

2. The impugned order has been passed, on the ground that the petitioner, having not passed in TET examination, would be eligible only to receive the salary and not other benefits.

3. 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



W.P.(MD).No.20380 of 2024

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 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.

4. With the above said observations, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition stands closed.

10.09.2024

2/2

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



W.P.(MD).No.20380 of 2024

WEB COPY

To

1. The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
2. The District Educational Officer,
(Secondary)
Tirunelveli, Tirunelveli District.



WEB COPY



W.P.(MD).No.20380 of 2024

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.20380 of 2024

10.09.2024

2/2