



W.P.(MD).No.23964 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 23.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23964 of 2024

and

W.M.P(MD) No.20296 of 2024

D.Shally Roselind,
Secondary Grade Teacher,
St.Andrew's Higher Secondary School,
Koodankulam,
Tirunelveli District.

... Petitioner

Vs.

1. The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
2. The District Educational Officer,
(Secondary)
Tirunelveli,
Tirunelveli District.
3. The Correspondent,
St. Andrew's Higher Secondary School,
Koodankulam,
Tirunelveli District.

... Respondents



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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 records relating to the impugned order in O.Mu.No.810/A2/2024, dated 26.07.2024 of the second respondent herein and quash the same and consequently direct the respondents herein to award annual increments, incentive, surrender leave benefits, selection grade pay an other attended benefits to the petitioner from the date of petitioner's appointment w.e.f 07.11.2012 with all attendant benefits including pay fixation and allowance.

For Petitioner : Mr.T.Pon Ramkumar

For R1 and R2 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The present Writ Petition has been filed by a Secondary Grade Teacher working in the third respondent School, challenging the order passed by the second respondent herein, wherein the request of the petitioner for grant of annual increments have been rejected on various grounds including the reason for not clearing TET examination.



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2. The Hon'ble Division Bench of our High Court in paragraph No. 74(c) of the judgment reported in **2023 (3) LW 112 (The Director of School Education, D.P.I. Campus, College Road, Chennai -06 and two others Vs. Velayutham and another)** has categorically held that a pass in TET examination is not mandatory for being appointed as teacher in a Minority Institution. Therefore, a pass in TET examination is not required either for appointment or for granting of annual increments to the writ petitioner.

3. As far as other reasons pointed out in the impugned order is concerned, the Management is directed to furnish the copies of the documents sought for by the educational authorities. The order impugned in the writ petition is set aside and the matter is remitted back to the file of the second respondent herein. The second respondent is directed to pass orders on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.



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4. With the above said observations, this Writ Petition stands allowed.

There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

23.10.2024

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

1. The Chief Educational Officer,
Tirunelveli,
Tirunelveli District.
2. The District Educational Officer,
(Secondary)
Tirunelveli,
Tirunelveli District.
3. The Correspondent,
St. Andrew's Higher Secondary School,
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R.VIJAYAKUMAR,J.

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