



W.P.(MD).No.24454 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24454 of 2024

and

W.M.P(MD) No.20792 of 2024

T.Arulmary
St. Joseph's Higher Secondary School,
Block No.5, Madurai Road,
Sivagangai – 630 561.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its
Additional Chief Secretary,
Department of School Education,
Fort St.George, Chennai – 9.
2. The Director of School Education,
DPI Campus,
College Road,
Chennai – 6.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Sivagangai District.



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4. The District Educational Officer,
(Secondary),
The Office of the District Educational Officer,
Sivagangai District.

5. The Correspondent,
St. Joseph's Higher Secondary School,
Block No.5, Madurai Road,
Sivagangai – 630 561.

... 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 records, pertaining to the impugned order dated 24.09.2024, in O.Mu.No. 5448/A5/2024, on the file of the fourth respondent and quash the same, in respect of the condition that there is no provision in the rules to consider the proposal for increment, because the petitioner has not qualified in TET, and direct the respondents to allow the increment and incentive for the petitioner, Mrs.T.Arulmary, B.T Assistant (Tamil) working in the fifth respondent, St. Joseph's Higher Secondary School, w.e.f 09.07.2018, with all service benefits.

For Petitioners : Mr.S.Savarimuthu
for M/s.Father Xavier Associates

For R1 to R4 : Mr.N.Satheesh Kumar
Additional Government Pleader



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ORDER

The present Writ Petition has been filed by a B.T.Assistant (Tamil) appointed in the fifth respondent School, challenging the order passed by the fourth respondent, wherein the request of the fourth respondent for conferment of annual increment has been rejected on the ground that the petitioner has not passed TET examination.

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 pass in TET examination is not mandatory for being appointed as a teacher in a Minority Institution.

3. In view of the above said facts, the order impugned in the writ petition is set aside and the fourth respondent is directed to release the eligible annual increments of the petitioner 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 stands closed.

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

1. The Additional Chief Secretary,
Department of School Education,
Fort St.George, Chennai – 9.
2. The Director of School Education,
DPI Campus,
College Road, Chennai – 6.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Sivagangai District.
4. The District Educational Officer,
(Secondary),
The Office of the District Educational Officer,
Sivagangai District.
5. The Correspondent,
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R.VIJAYAKUMAR,J.

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