



W.P.(MD).No.25020 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 21.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.25020 of 2024

K.Thainese Mary
Britto Higher Secondary School,
Kallal – 630 305,
Sivagangai District.

... Petitioner

Vs.

1. The Chief Educational Officer,
Sivagangai,
Sivagangai District,
2. The District Educational Officer,
(Secondary Education),
Sivagangai,
Sivagangai District.
3. The Correspondent,
Britto Higher Secondary School,
Kallal – 630 305,
Sivagangai 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 records relating to the impugned proceedings issued by the second respondent District Educational Officer vide impugned proceedings in Moo.Mu.No.



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1109/a1/2024, dated 21.08.2024, quash the same and further direct the respondents 1 and 2 herein to open the Service Register, sanction annual increments, surrender leave benefits, medical leave benefits, and other allowances towards the petitioner as B.T.Assistant Maths in the third respondent School from the date of her appointment i.e., 04.04.2019.

For Petitioner : Ms.A.Amala

For R1 and R2 : Mr.J.Ashok
Additional Government Pleader

ORDER

The present Writ Petition has been filed by a B.T.Assistant (Mathematics) appointed in the third respondent Institution, challenging the order passed by the second respondent herein, wherein her request of payment of annual increment has been rejected, on the ground that she has not passed TET examination.

2. Admittedly, the third respondent School is an aided Minority Institution and therefore, the question of passing TET Examination either for appointment or for granting of incentive increments or the annual increments do not arise.



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3. The Hon'ble Division Bench of our High Court in W.A.No.313 of 2022 batch cases, dated 02.06.2022, in paragraph No. 74 (c) has categorically held that pass in TET is not mandatory for appointment in minority institution.

4. In view of the above said facts, 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 and grant annual increments and other benefits to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

5. With the above said observations, this Writ Petition stands disposed of. There shall be no order as to costs.

21.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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