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**W.P.(MD) Nos.25464, 25465, 25472 & 25485 of 2019**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 19.08.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P.(MD) Nos.25464, 25465, 25472 & 25485 of 2019**

The Correspondent  
Loyolo Convent Primary School  
Palayamkottai-627 002  
Tirunelveli District

... Petitioner in all W.Ps.

-vs-

1.The Director of Elementary Education  
College Road, Chennai-600 006

2.The District Educational Officer  
Tirunelveli, Tirunelveli District

3.The Block Educational Officer  
Palayamkottai Urban  
Tirunelveli District

... Respondents in all W.Ps.

**PRAYER (in W.P.(MD) No.25464 of 2019):** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the second respondent District Educational Officer to release forthwith the grant-in-aid towards arrears of salary in favour of A.Pushpakala employed as Secondary



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Grade Teacher in the petitioner school for the period 03.07.2012 to 31.12.2016 with all attendant benefits, including the annual increments and allowances.

**PRAYER (in W.P.(MD) No.25465 of 2019):** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the second respondent District Educational Officer to release forthwith the grant-in-aid towards arrears of salary in favour of M.Esther Deva Kirubai employed as Secondary Grade Teacher in the petitioner school for the period 01.11.2012 to 31.12.2016 with all attendant benefits, including the annual increments and allowances.

**PRAYER (in W.P.(MD) No.25472 of 2019):** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the second respondent District Educational Officer to release forthwith the grant-in-aid towards arrears of salary in favour of F.Esther Mary employed as Secondary Grade Teacher in the petitioner school for the period 18.01.2011 to 31.12.2016 with all attendant benefits, including the annual increments and allowances.



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**PRAYER (in W.P.(MD) No.25485 of 2019):** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the second respondent District Educational Officer to release forthwith the grant-in-aid towards arrears of salary in favour of R.Annie Pushpam employed as Secondary Grade Teacher in the petitioner school for the period 02.09.2010 to 31.12.2016 with all attendant benefits, including the annual increments and other allowances.

For Petitioner : Mr.K.Ragatheesh Kumar  
(in all W.Ps.) for M/s.Isaac Chambers

For Respondents : Mr.T.Amjad Khan  
(in all W.Ps.) Government Advocate

### **COMMON ORDER**

These writ petitions have been filed by the very same petitioner – School seeking grant-in-aid towards arrears of salary in favour of its respective secondary grade teachers, with all attendant benefits, including the annual increments and other allowances.



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**2.** The petitioner – School had earlier given a representation to the respondents for the said purpose. Since the said representation was not considered by the respondents, they have filed the present writ petitions.

**3.** It is now brought to the notice of this Court by the learned counsel for the petitioner that subsequent to the filing of these writ petitions, the arrears of salary has been paid to the respective secondary grade teachers of the petitioner – School by the respondents, but, however, annual increments payable to them, for which these writ petitions have been filed, have not been paid.

**4.** Learned Government Advocate appearing for the respondents, on instructions, would submit that once a representation is given afresh to the second respondent seeking for payment of annual increments to the respective secondary grade teachers, for which these writ petitions have been filed, the same will be considered by the second respondent on merits and in accordance with law, within a time frame to be fixed by this Court.



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**5.** Learned counsel for the petitioner would also submit that the petitioner – School being a Minority Institution, Teacher Eligibility Test (TET) is not required.

**6.** Learned Government Advocate appearing for the respondents would submit that the issue in this regard is still pending before the Honourable Supreme Court.

**7.** No prejudice will be caused to the respondents, if the petitioner – School is allowed to give a fresh representation seeking for payment of annual increments for its respective secondary grade teachers, for whom the present writ petitions have been filed and on receipt of the same, the same is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

**8.** For the foregoing reasons, after recording the fact that the respective secondary grade teachers of the petitioner – School, for whom the present writ petitions have been filed, have received their arrears of salary and they have not received their annual increments, this Court directs the



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petitioner – School to give a fresh representation to the second respondent seeking for payment of annual increments to its respective secondary grade teachers, for whom these writ petitions have been filed by the petitioner – School, within a period of two weeks from the date of receipt of a copy of this order and on receipt of such representation, the second respondent shall pass final orders, on merits and in accordance with law, within a period of eight weeks thereafter.

**9.** With the above directions, these writ petitions are disposed of.

No costs.

**19.08.2024**

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

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To:

- 1.The Director of Elementary Education,  
College Road, Chennai-600 006.
- 2.The District Educational Officer,  
Tirunelveli, Tirunelveli District.
- 3.The Block Educational Officer,  
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**ABDUL QUDDHOSE, J.**

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