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

DATED: 29.10.2024

CORAM

**THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.25990 of 2024**

**and**

**W.M.P(MD)No.22043 of 2024**

1.P.Dennis Mary

2.A.Sanes Mary

... Petitioners

Vs

1.The State of Tamil Nadu,  
Rep. By its Secretary,  
Department of School Education,  
Fort St.George,  
Chennai – 09.

2.The Director of School Education,  
Directorate of School Education,  
College Road,  
Chennai – 06.

3.The Chief Educational Officer,  
Chief Educational Office,  
Manamadurai,  
Sivagangai District.

4.The District Education Officer(Elementary),  
District Educational Office,  
Manamadurai,  
Sivagangai District.



5. The Block Educational Officer,  
Manamadurai,  
Sivagangai District.

...Respondents

**PRAYER:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the impugned order of the 4th respondent herein in his proceedings in Na.Ka.No.2188/AA4/2023 dated 26.02.2024 and quash the same as illegal and further directing the 4 and 5 respondents herein to pass appropriate order to open service register, disburse the annual increment, surrender leave benefits, medical leave benefits, promotional benefits and all other monetary benefits to P.Dennis Mary/1<sup>st</sup> Petitioner, working as a B.T.Assistant(Maths) teacher from 13.06.2018 onwards in R.C. St. Cecilia's Middle School, Manamadurai-630606, Sivagangai District, within a time stipulated by this Court.

For Petitioner : Mr.S.Vashik Ali

For Respondents : Mr.J.Ashok  
Additional Government Pleader

### **ORDER**

The instant writ petition has been filed by a BT Assistant (Mathematics) Teacher working in an aided minority institution challenging the order passed by the fourth respondent herein wherein the request of the first petitioner for conferment of annual increment has been rejected on the ground that the petitioner has not passed TET examination.



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2.The Hon'ble Division Bench of our High Court in *W.A.Nos.313 of 2022, etc. batch cases, dated 02.06.2023* reported in *2022 (3) Law Weekly 112 in Paragraph No.74(c)* has categorically held that a 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 hereby set aside the respondents authorities herein are directed to confer the eligible annual increments to the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

4.With the above said observations, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is also closed.

29.10.2024

2/2

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



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**R.VIJAYAKUMAR, J.**

RJR

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**2/2**