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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.25982 of 2024

and

W.M.P(MD)No.22040 of 2024

I.George David

... Petitioner

Vs

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai - 09.

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

3.The Chief Educational Officer,
Tenkasi District,
Tenkasi.

4.The District Educational Officer(Secondary),
Tenkasi District,
Tenkasi.

5.The Correspondent,
Stell Mary's Higher Secondary School,
Sivagiri,
Tenkasi District.



6.The Chairman,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai – 06.

...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 Oo.Mu.No.669/A3/2024 dated 22.02.2024 and quash the same as illegal and further directing the 4th respondent to disburse petitioner salary increments as per the recommendation made by the 5th respondent dated 22.01.2024 pending from June, 2018 as a B.T. Assistant (Science) teacher with effect from 01.08.2018, with all attendant benefits including the yearly increment and the arrears of salary without insisting the pass on TET examination within a time stipulated by this Court.

For Petitioner : Mr.S.Vashik Ali

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1 to R4

ORDER

The instant writ petition has been filed by a BT Assistant(Science) Teacher, working in the fifth respondent school, seeking to quash the order passed by the fourth respondent herein, wherein the request of the writ petitioner for payment of annual increment and incentive increment have 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 in a minority institution.

3.Considering the fact that the petitioner' institution is a minority institution, the petitioner would be entitled to receive the annual increments also even though the petitioner has not passed TET examination. However, as far as the incentive increment is concerned, since the said issue is pending before the Hon'ble Division Bench, the same shall be released only depending upon the outcome in the said writ petition.

4.In view of the above said facts, the order impugned in the writ petition is hereby partly set aside and the respondents authorities herein are directed to confer the eligible annual increments to the writ petitioner within the period of twelve weeks from the date of receipt of a copy of this order.



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

29.10.2024

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

To

1. The Principal Secretary,
Department of School Education,
Fort St. George, Chennai - 09.

2. The Director of School Education,
Directorate of School Education,
Chennai - 06.

3. The Chief Educational Officer,
Tenkasi District,
Tenkasi.

4. The District Educational Officer (Secondary),
Tenkasi District,
Tenkasi.



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R.VIJAYAKUMAR, J.

RJR

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