



WP.No.19280 of 2025

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2025

CORAM

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

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A.Sampathkumar

... Petitioner

Vs.

1. The Director of Elementary Education,
Directorate of Elementary Education,
Nungambakkam,
Chennai District.
2. The District Educational Officer,
(Elementary),
District Educational Office,
Govt. Higher Secondary School Campus,
Kuniyamuthur,
Palaghat Road,
Coimbatore-641 008.
3. The Block Educational Officer,
Block Educational Office,
Sarkar Samakulam-641 107,
Coimbatore District.
4. The Nadar Primary School,
Nanjundapuram,
Coimbatore-641 036.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, praying to issue a writ of Mandamus, directing the respondents to continue the annual increments and other benefits from the year 2019 including selection grade, by taking note of the petitioners appointment prior to G.O. Ms. No.181 dated



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15.11.2011, by considering the petitioner's representation dated 17.02.2025 and pass such further or other suitable orders as this Honble Court deems fit and proper in the circumstances of the case.

For Petitioner : Mr.N.Manokaran

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader (Education)
for R1 to R3

ORDER

The instant writ petition has been filed seeking the relief of writ of Mandamus, directing the respondents to continue the annual increments and other benefits from the year 2019 including selection grade, by taking note of the petitioners appointment prior to G.O. Ms. No.181 dated 15.11.2011, by considering the petitioner's representation dated 17.02.2025.

2. Heard Mr.N.Manokaran, learned counsel for the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing for the respondents 1 to 3.

3. The learned counsel for the petitioner would submit that the petitioner has been appointed as the Secondary Grade Assistant Teacher on

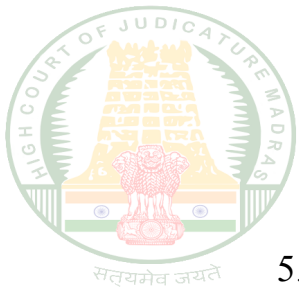


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20.12.2010. He would further submit that the Notification dated 23.08.2010 issued under Section 23(1) of the Right of Children to Free and Compulsory Education Act, 2009 had prescribed the minimum qualifications for the person to be eligible for the post of Teachers for Classes I to VIII. It is the submission of the learned counsel that TET qualification has become essential and mandatory for teaching faculties from 23.08.2010, which was subsequently extended by the NCTE Notification dated 29.07.2011. However, it is the submission of the petitioner that TET qualification is not essential for getting increment and incentives. In this connection, the learned counsel relied upon the judgment of the Division Bench of this Court in ***Director of School Education Vs. M.Velayutham and another***, reported in **2023 (3) LW 112**. The learned counsel for the petitioner would further submit that, all of a sudden from 2019 onwards, the 3rd respondent has not sanctioned increment. Hence, the petitioner had sent representation on 17.02.2025 and the same has not been considered till now.

4. Per contra, the learned Special Government Pleader would submit that the petitioner is not eligible for increment, as he did not possess the TET qualification. Apart from that, there is a long lapse of delay and laches in presenting his claim. Hence, prayed to dismiss the writ petition.



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5. I have given my anxious consideration to either side submissions.

6. Though there is a disputed facts, from the submissions of the petitioner's counsel, it is obvious that he seeks to implement the Division Bench judgment of this Court in *M.Velayutham*'s case [cited supra] to the petitioner, as he is a similarly placed person to that of the persons referred to in the cited case. In such a view of the submission, without going into the merits of the matter, this Court deems it appropriate to direct the respondents to consider the petitioner's above referred representation and pass orders on it's own merits and in accordance with law, within a period of six(6) weeks from the date of receipt of a copy of this order.

7. In the result, this writ petition is disposed of with the above directions. There shall be no order as to costs.

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Index :Yes/No

Speaking Order

NCC: Yes/No



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C.KUMARAPPAN, J.

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