



W.P.(MD) No.225 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2025

CORAM:

THE HONOURABLE Mr.JUSTICE BATTU DEVANAND

W.P.(MD)No.225 of 2025
and WMP(MD)No.187 of 2025

A.M.Avva

... Petitioner

Vs.

1.The District Educational Officer (Elementary),
Tenkasi, Tenkasi District.

2.The Block Educational Officer,
Kadayanallur, Tenkasi District.

3.The Manager,
Hidhyathul Islam Primary School,
Kadayanallur, Tenkasi District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to impugned order in Na.Ka.No. 3099/A3/2023 dated 04.09.2024 of the 1st respondent herein and quash the same in so far as not granting annual increments, incentive increments, surrender leave benefits and other attended benefits to the petitioner from the date of petitioners appointment namely 26.08.2017 and consequently direct the respondents 1 and 2 herein to award annual increments, incentive, surrender leave benefits and other attended benefits to the petitioner from the date of petitioners appointments namely 26.08.2017 with all attendant benefits with all attendant benefits including pay fixation and allowance.

For Petitioners

: Mr.T.Pon Ramkumar

For R1 & R2

: Mr.M.Siddharthan

Additional Government Pleader



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ORDER

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This Writ Petition has been filed to quash the impugned order dated 04.09.2024 of the first respondent herein and in so far as not granting annual increments, incentive increments, surrender leave benefits and other attended benefits to the petitioner from the date of petitioners appointment namely 26.08.2017 and for consequential direction to the respondents 1 and 2 herein to award annual increments, incentive, surrender leave benefits and other attended benefits to the petitioner from the date of petitioners appointments namely 26.08.2017 with all attendant benefits with all attendant benefits including pay fixation and allowance.

2. Heard the learned counsel for the petitioner and Mr.Siddharthan, learned Additional Government Pleader for the respondents and perused the materials available on record.

3.A perusal of the impugned order dated 04.09.2024 reveals that though the appointment of the petitioner was approved, annual increments and other attendant benefits were not given since the



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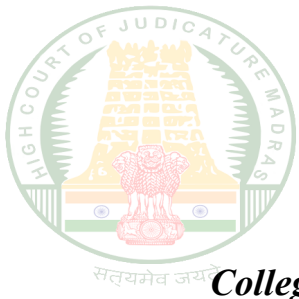
petitioner has not passed TET. Challenging the said order, the present writ petition has been filed.

4. According to the learned counsel for the writ petitioner, the petitioner management is an aided minority institution and therefore, pass in TET is not mandatory for being appointed as teacher in the said institution.

5. However, the learned Additional Government Pleader appearing for the respondents 1 and 2 herein has stated that unless the teacher passes TET examination, annual increment and other attendant benefits will not be granted.

6. Considered the submissions made on either side and perused the material records.

7. This issue involved in this case is no longer res integra. The Hon'ble Division Bench of our High Court in a judgment reported in **2023-3-LW-112 (The Director of School Education D.P.I. Campus,**



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College Road & others Vs. M.Velayutham & another) in Paragraph No.

74(c) has categorically held that a post in TET examination is not mandatory for being appointed in the minority institution.

8. Accordingly, this writ petition is allowed with the following directions:

(i) The order impugned in the writ petition is set aside.

(ii) The respondents 1 and 2 herein are directed to award annual increments, incentive to the petitioner from the date of petitioner's appointment namely 26.08.2017 including pay fixation and allowance and pass orders within a period of 12 weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

20.03.2025

NCC : Yes/No

Index : Yes/No

Internet : Yes

CM



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BATTU DEVANAND, J.

CM

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