



W.A.(MD)No.524 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A.(MD)No.524 of 2020
and
C.M.P.(MD)No.3662 of 2020**

1.The Chief Educational Officer,
Tuticorin.

2.The District Educational Officer,
Kovilpatti, Tuticorin District.

... Appellant / Respondents

Vs.

M.Avudaiappan

... Respondent / Writ Petitioner

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to set the order dated 16.10.2019 passed in W.P.(MD)No.21571 of 2019 on the file of this Court and dismiss the writ petition.



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For Appellants : Mr.V.OM.Prakash,
Government Advocate.

For Respondent : Mr.V.Panneer Selvam

JUDGMENT

(Judgment of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The writ petitioner / respondent herein was appointed as B.T.Assistant (Maths) in Nadar Higher Secondary School, Pandavarmangalam, Kovilpatti. Vacancy arose following the resignation of the incumbent one K.Sumathi on 01.07.2010. The school management applied for permission to fill up the vacancy. Permission was granted on 09.02.2011. After conducting the selection process, the writ petitioner was appointed vide order dated 28.02.2011. The writ petitioner joined service on 20.04.2011. On 27.09.2011, approval was also granted and salary was also released. Subsequently, disbursement of salary was withheld. Hence, the respondent filed W.P.(MD)No.21571 of 2019 for



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forbearing the appellants from insisting the respondent to produce TET pass certificate and for directing them to release from May 2019 onwards. The writ petition was allowed vide order dated 16.10.2019. Challenging the same, this writ appeal came to be filed.

3.The Hon'ble Division Bench vide order dated 02.06.2023 in W.A.No.313 of 2022 etc. batch had held that any teacher appointed as Secondary Grade Teacher or Graduate Teacher / BT Assistant prior to 29.07.2011 shall continue in service and also receive increments and incentives, even if they do not possess TET. For getting promotion, they will have to necessarily possess TET. Failing which, they will not be eligible for promotion.

4.Aggrieved by the said decision, the State filed SLP (Civil) Diary No.45649 of 2023 before the Hon'ble Supreme Court of India. Before the Hon'ble Supreme Court of India, it was specifically submitted by the learned Senior counsel appearing for the State that the direction given by the Hon'ble Division bench for continuation of teachers appointed prior to 29.07.2011 even without the TET qualification, is not being



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challenged. Since such a specific submission was made before the Hon'ble Supreme Court of India, the present challenge can no longer lie.

The order impugned in this writ appeal is sustained. This writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.P. J.)
30.01.2025

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