



W.P.(MD).No.1924 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 04.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.1924 of 2025

S.Brimin Stella

... Petitioner

Vs

1. The Government of TamilNadu,
Rep. by the Secretary to Government,
School Education Department,
Fort St. George, Chennai-60 009.

2. The Director of School Education,
DPI Campus,
College Road,
Chennai-600 006.

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

4. The District Educational Officer,
Ramanathapuram,
Ramanathapuram District.

5. The Correspondent,
Punitha Yagapeer Higher Secondary School,
Thanagachimadam-623 529,
Ramanathapuram District.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to pay the entire Annual Increment and Selection Grade due to the petitioner from the year 2011 and to fix the petitioner's scale of pay in Selection Grade and continue to pay the same.



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For Petitioner : Mr.R.Velmurugan
For Respondent Nos. 1 to 4 : Mr.M.Siddarthan
Additional Government Pleader

ORDER

This writ petition has been filed seeking Writ of Mandamus to direct the respondents to pay the entire annual increment and selection grade due to the petitioner from the year 2011 and to fix the petitioner's scale of pay in Selection Grade and continue to pay the same.

2. The petitioner was appointed as a Graduate Teacher Science in the fifth respondent's school on 01.06.2011. His appointment was approved with effect from 01.06.2011. Subsequent to the appointment of the petitioner, requirement of pass in Teachers Eligibility Test (TET) came into force pursuant to the right of Children to Free and Compulsory Education Act, 2009. The requirement to pass in TET examination is applicable to the petitioner who was appointed on 01.06.2011 is the issue to be considered in this case.

3. In fact, the issue involved in the present case is no longer *res integra*. On several occasions, this Court dealt with the issue and declared that pass in TET examination is not required for the teachers who are appointed prior to 29.07.2011. The Hon'ble Division Bench of this Court in W.A.(MD).No.313 of



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2022 dated 02.06.2023 held that those appointment prior to 29.07.2011 need

not pass the TET examination. The relevant portion of the said order is extracted hereunder :

"74. For the sake of clarity and ease of reference, the upshot of the above discussion is as under:

(a) 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/acquire a pass in TET. At the same time, for future promotional prospects like promotion from secondary grade teacher to BT. Assistant as well as for promotion to Headmasters, etc., irrespective of their dates of original appointment, they must necessarily possess TET, failing they will not be eligible for promotion.

(b) Any appointment made to the post of Secondary Grade Teacher after 29.07.2011 must necessarily possess TET.

*(c) Any appointment made to Graduate Teacher/BT Assistant, after 29.07.2011, whether by direct recruitment or promotion from the post of Secondary Grade Teacher, or transfer, must necessarily possess TET. *The principles laid down in this judgement will not have application to minority schools, both aided and unaided as explained in Paragraph No.71.1.*

(d) The Special Rules for the TamilNadu School Educational Subordinate Service issued in G.O.Ms.No.13, School Education (S.E. 3(1)) Department dated 30.01.2020 insofar as it prescribes "a pass in Teacher Eligibility Test (TET)" only for direct recruitment for the post of BT Assistant."



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4. In view of the above, the third respondent is directed to pay all the annual increments and selection grade due if any entitled by the petitioner forthwith and shall continue to pay the same.

5. With the above said observations, this writ petition is disposed of. No costs.

04.03.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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BATTU DEVANAND, J.

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