



W.P.(MD)No.5167 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.5167 of 2025

and

W.M.P.(MD).No.3778 of 2025

D.Vijay Rathinaraj

... Petitioner

Vs.

1. The Director of Primary Education (Aided Schools),
O/o.The Director of Primary Education,
Chennai.

2. The District Educational Officer (Primary Education),
The District Educational Officer,
Theni.

3. The Correspondent,
The U.C.Primary School,
Thandapalayam, Thenkarai,
Periyakulam,
Theni District.

4. The Correspondent,
CSI Primary School,
Koomapatti,
Watrap Union,
Virudhunagar District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to pay pending arrears of annual increment to the petitioner for the services rendered by him as the Secondary Grade Teacher in the 4th Respondent School for the period between 19.09.2014 and 31.12.2020.

For Petitioner : M/s.S.Mamtha

For Respondent Nos.1 & 2 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This writ petition has been filed seeking direction to the respondents to pay the pending arrears of annual increment to the petitioner for the services rendered by him as Secondary Grade Teacher in the fourth respondent school for the period between 19.09.2014 and 31.12.2020.

2. The facts admitted in this case are not disputed. The petitioner working in the fourth respondent school which is a minority school. In this writ petition, the grievance of the petitioner is that he made a representation to the official respondent for granting salary and increment for the period from 19.09.2014 and 31.12.2020, during which he worked as a Secondary Grade Teacher in the fourth respondent school. The petitioner was appointed as a Secondary Grade Teacher in the fourth respondent school on 19.09.2014. Thereafter, on promotion he was appointed as a Headmaster in the third



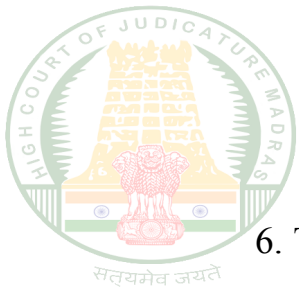
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respondent school vide order dated 01.03.2022 and he had been receiving salary and increment from 01.01.2021. But, he did not receive the arrears of increment from 19.09.2014 and 31.12.2020. The reasons for non granting of increment to the petitioner for the period is not known to the petitioner and accordingly, he represented to the respondents on several times. But, there is no response. Aggrieved by the same the present writ petition has been filed.

3. On instructions, the learned Additional Government Pleader appearing for the respondent would submit that due to the reason that the petitioner did not possess the qualification of TET examination, increments for the said period was not granted to the petitioner.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents and perused the material available on record.

5. It appears that the reason for not paying the annual increment to the petitioner is that he did not qualified in the TET examination. But, the issue of acquiring qualification of TET examination by the teachers working in the minority institution is already decided by this Court on several occasions.



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6. This issue 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, 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. Therefore, the second respondent is directed to pay the pending arrears of annual increment to the petitioner for the period between 19.09.2014 and 31.12.2020 within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the above said observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

07.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
gvn



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BATTU DEVANAND, J.

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