



W.A.(MD).No.715 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 30.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.715 of 2024
and
C.M.P.(MD).No.5357 of 2024

1.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

2.The Block Educational Officer,
Cheranmahadevi,
Tirunelveli District.

... Appellants/Respondents 1 & 2

Vs.

1.M.Nathiya,
Secondary Grade Teacher,
St.Johns Middle School,
Veeravanallur,
Tirunelveli District.

... 1st Respondent/Petitioner

2.The Correspondent,
St.Johns Middle School,
Veeravanallur 627 426.
Tirunelveli District.

... 2nd Respondent/3rd Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 12.10.2023 passed in W.P.(MD).No.11223 of 2022.



W.A.(MD).No.715 of 2024

For Appellants : Mr.J.Ashok
Additional Government Pleader
For R-1 : Mr.T.Pon Ramkumar

JUDGMENT

(Judgment of the Court was made by M.S.RAMESH,J.)

This Writ Appeal has been filed against the order of the learned Single Judge in W.P.(MD).No.11223 of 2022 dated 12.10.2023.

2. Having granted approval of the appointment made by the second respondent school, the appellants herein have not released the annual increment on the ground that the concerned teacher is not qualified in TET. Hence, a Writ Petition was filed for Mandamus seeking direction to the appellants/respondents therein to award annual increment and other benefits. The learned Single Judge had placed reliance on the earlier decisions of this Court and held that qualification in TET is not mandatory for a minority institution and accordingly, directed the appellants to confer all the monetary benefits to the first respondent herein, through the order passed in W.P. (MD)No.11223 of 2022 dated 12.10.2023.



W.A.(MD).No.715 of 2024

3. The Hon'ble Supreme Court as well as several decisions of the Co-ordinate Benches of this Court have been consistently taking a stand that possession of TET qualification for a teacher in a minority institution is not mandatory. The appellants herein, having granted approval of the appointment, are not justified in insisting for TET qualification for the concerned teacher and therefore, the consequential action of withholding the financial grant cannot be justifiable. The earlier decisions taken by this Court in this regard have been relied upon by the learned Single Judge while allowing the Writ Petition. We do not find any illegality or infirmity in the said order. As such, there are no merits in this Writ Appeal.

4. Accordingly, this Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(M.S.R.,J.) (A.D.M.C.,J.)
30.01.2025

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



WEB COPY



W.A.(MD).No.715 of 2024

M.S.RAMESH,J.
and
A.D.MARIA CLETE,J.

Lm

W.A.(MD).No.715 of 2024

30.01.2025