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W.P.(MD)NO.17391 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R.POORNIMA

W.P.(MD)No.17391 of 2019

S.Paul Stephen

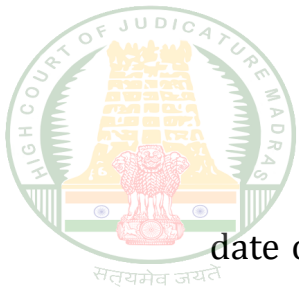
... Petitioner

Vs.

1. The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
2. The District Educational Officer,
Sankarankovil, Tirunelveli District.
3. The Manager,
C.M.M.L.High School,
Vadamalapuram, P.O-627 755,
Mullikulam Via,
Sivagiri Taluk,
Tirunelveli District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in A.T.Mu. No.1335/A1/2019 dated 24.04.2019 of the second respondent herein and quash the same and consequently direct the directing the respondents herein to award annual increments, incentive, surrender leave benefits and other attendant benefits to the petitioner from the



date of the petitioner's appointment as BT Assistant(Science) in the third respondent's school from 01.01.2014 with all attendant benefits including pay fixation and allowance.

For Petitioner : Mr.T.Pon Ramkumar
For R-1 & R-2 : Mr.V.Om.Prakash,
Government Advocate.

* * *

ORDER

Heard both sides.

2.The writ petitioner herein was appointed as B.T.Assistant (Science) in C.M.M.L. High School, Sivagiri Taluk on 01.02.2012. His appointment was also approved. However by the impugned proceedings dated 24.04.2019, the second respondent refused to give permission to sanction annual increment to the petitioner. Aggrieved by the same, the present writ petition came to be filed.

3. The Hon'ble Supreme Court in the decision reported in **(2014) 8 SCC 1 (Pramati Educational and Cultural Trust V. Union of India)** held that the department cannot insist that teachers working in minority schools should have Teacher Eligibility Test



qualification. Therefore, the second respondent was not justified in holding that the writ petitioner should possess TET for claiming annual increment and other allowances.

4.As rightly pointed out by the learned counsel for the writ petitioner, when once the appointment of the writ petitioner had been approved, then he is entitled to all other consequential benefits.

5.In this view of the matter, the order impugned in this writ petition is set aside. The second respondent is directed to disburse annual increments and other allowances to the petitioner from the date of the petitioner's appointment as BT Assistant(Science) in the third respondent's school from 01.01.2014 within a period of eight weeks from the date of receipt of a copy of this order. This writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
30.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN, J.

AND

R.POORNIMA, J.

PMU

To:

1. The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
2. The District Educational Officer,
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