



W.P(MD).No.27940 of 2024

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DATED : 30.01.2025

**CORAM:
THE HON'BLE MR JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.27940 of 2024
and WMP(MD).Nos.23700 & 23702 of 2024**

R.Annammal
Secondary Grade Teacher
RC Primary School, Velayuthapuram
Tenkasi District

.... Petitioner

Vs.

1.The Commissioner of School Education
College Road, Chennai 600 006

2.The Director of Elementary Education
College Road, Chennai 600 006

3.The District Educational Officer (Elementary)
Sankarankovil, Tenkasi District

4.The Block Educational Officer
Vasudevanalloor, Tenkasi District

5.The Correspondent
RC Primary School, Velayuthapuram
Tenkasi District

6. The District Educational Officer (Elementary),
Tenkasi, Tenkasi District

.....Respondents

(6th respondent is suo moto impleaded vide Court order dated 30.01.2025)



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the third respondent District Educational Officer (Elementary) in Mu.Mu.No. 1460/Aa1/2021 dated 20.08.2021, quash the same and further direct the respondents to sanction monetary benefits attached to the post of Secondary Grade Teacher viz., Annual Increments, Earned Leave Arrears etc. including re-fixation of salary towards VIIth pay Commission on par with similarly placed persons in the 5th respondent School.

For Petitioner : Mr.S.Xavier Rajini
For Respondents :Mr.N.Satheesh Kumar
Additional Government Pleader
For R1 to R4

ORDER

The instant writ petition has been filed by a Secondary Grade Teacher working in the fifth respondent School challenging the order passed by the third respondent wherein the request of the petitioner for grant of annual increments, earned leave arrears etc. including re-fixation of salary under VIIth pay commission on par with similarly placed persons is rejected.



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2.A perusal of the impugned order reveals that the petitioner's appointment was approved by the authorities only pursuant to the interim order passed in CMP(MD).No.4126 of 2016 in WA(MD).No.592 of 2016 dated 15.04.2016. The Hon'ble Division Bench in the interim order has directed the authorities to approve the appointment of the writ petitioner subject to the result of the writ petition. It is brought to the notice of the Court that the writ petition filed by the petitioner in WP(MD).No.1711 of 2015 was allowed by the Hon'ble Division Bench on 24.08.2016 along with other writ appeals wherein the Hon'ble Division Bench has directed the authorities to approve the appointment of the writ petitioner with a direction to the Government to release the salary and pay arrears of salary within a period of two months from the date of receipt of a copy of the order.

3.According to the learned counsel for the petitioner, the order of the Hon'ble Division Bench has attained finality. 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



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that a pass in TET examination is not mandatory for being appointed in the minority institution.

4.In view of the above said deliberations, the order impugned in the writ petition is set aside and the respondent authorities are directed to sanction monetary benefits attached to the post of Secondary Grade Teacher namely annual increments, earned leave arrears including re-fixation of salary towards VIIth pay commission on par with similarly placed persons within a period of twelve weeks from the date of receipt of a copy of this order.

5.The District Educational Officer (Elementary), Tenkasi, Tenkasi District is suo moto impleaded as 6th respondent.

6.In fine, this writ petition stands allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petitions are closed.

30.01.2025

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



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R.VIJAYAKUMAR, J.

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