



W.P(MD).No.30076 of 2024

WEB COPY

DATED : 30.01.2025

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

W.P.(MD)No.30076 of 2024

A.Cecily Josephin Jeya
Secondary Grade Teacher
RC Primary School
Veikalipatti, Tenkasi District

.... Petitioner

Vs.

1.The Director of Elementary Education
College Road, Chennai 06

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

3.The Block Educational Officer
Kadayam, Tenkasi District

4.The Correspondent
RC Primary School
Veikalipatti, Tenkasi District

.....Respondents

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 second respondent District Educational Officer (Elementary) in O.Mu.No. 1427/Aa2/2021 dated 17.12.2021, quash the same and further direct the



W.P(MD).No.30076 of 2024

respondents to sanction monetary benefits attached to the post of Secondary Grade Teacher viz., Annual Increments, Earned Leave Arrears etc including the re-fixation of salary towards VIIth Pay Commission on part with similarly placed persons in the fourth respondent school.

For Petitioner : Mr.S.Xavier Rajini
For Respondents : Mr.T.Amjadkhan
Government Advocate for R1 to R3

ORDER

The instant writ petition has been filed by a Secondary Grade Teacher working in the fourth respondent School challenging the order passed by the second respondent wherein the request of the petitioner for grant of monetary benefits like annual increment and other benefits have been rejected.

2.The sanctioning authorities have rejected the proposal submitted by the management for approving the appointment of the writ petitioner on the sole ground that the petitioner has not passed Teachers Eligibility Test (TET) Examination. The petitioner has filed WP(MD).No. 6018 of 2021 before this Court challenging the said order. This Court was pleased to allow the writ petition on 18.03.2021 wherein a direction was issued to the authorities to consider and pass orders. Since the order was



W.P(MD).No.30076 of 2024

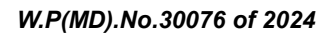
not complied with, the petitioner had filed Contempt Petition in C.P(MD).No.2210 of 2024. Pending Contempt Petition, the authorities have passed an order on 17.12.2021 rejecting the request of the petitioner for approval for non-passing of TET examination. The said order is under challenge in the present writ petition.

3.A perusal of the impugned order reveals that the proposal of the management for approving the appointment of the writ petitioner has been rejected on the sole ground that the petitioner has not passed TET Examination. This order is put to challenge challenge in the present writ petition.

4.According to the learned counsel for the writ petitioner, the fourth respondent School is a minority institution and therefore, a pass in TET is not mandatory for being appointed to the said institution.

5.Per contra, the learned Government Advocate herein had contended that the petitioner having not passed TET examination, cannot be approved for her appointment.

6.I have considered the submissions made on either side and perused the material records.



8. 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



WEB COPY



W.P(MD).No.30076 of 2024

To

- 1.The Director of Elementary Education
College Road, Chennai 06
- 2.The District Educational Officer (Elementary)
Tenkasi, Tenkasi District
- 3.The Block Educational Officer
Kadayam, Tenkasi District



WEB COPY



W.P(MD).No.30076 of 2024

R.VIJAYAKUMAR, J.

msa

W.P.(MD)No.30076 of 2024

30.01.2025