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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 1475 of 2023

1. State Of Tamil Nadu
Rep by its Principal Secretary to Government,
School Education Department, Fort St.George,
Secretariat, Chennai 600 009
2. The Director of School Education
DPI Campus, College Road, Chennai 600 006
3. The Chief Educational Officer
Namakkal, Namakkal District
4. The District Educational Officer
Tiruchengode Education District, Namakkal
Dist.

..Appellant(s)

Vs

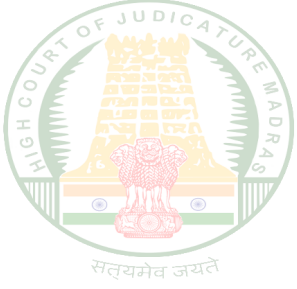
1. P. Mangayarkarasi
W/o M Dhanasekaran, BT Assistant (English),
Mahadeva Vidyalayam Higher Secondary
School, Tiruchengode Tk,
Namakkal District 637 211
2. The Secretary
Mahadeva Vidyalayam Higher Secondary
School, Tiruchengode, Namakkal District
637211

..Respondent(s)

Writ Appeal filed under Clause 15 of Letters Patent issuing writ of mandamus to set aside the Order dated 27.09.2021 made in WP.No. 20013 of 2021.

For Appellant(s):

Ms.A.Suganya,
Government Counsel



For Respondent(s):

Mr.G.Sankaran, Senior Counsel for
S.Nedunchezhiyan for R1
No appearance for R2

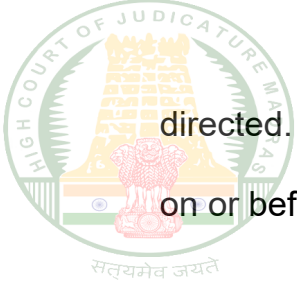
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JUDGMENT**(Judgment of the Court was delivered by S.M.Subramaniam J.)**

Under assail is the writ order dated 27.09.2021 in W.P.No.20013 of 2021.

2. State preferred the writ appeal challenging the writ order mainly on the ground that respondent, who is holding the post of B.T.Assistant (English) in an aided Higher Secondary School has not passed requisite qualification Teachers' Eligibility Test (TET) as per the qualification contemplated under Section 23 of the Right Of Children To Free And Compulsory Education Act, 2009. Since respondent did not posses the TET qualification, the increment granted to her initially was stopped. However, respondent is allowed to continue in service, in view of the judgment of the Hon'ble Supreme Court of India extending the time line for passing of TET examination. The Apex Court in the case of **State of U.P. Vs. Anjuman Ishaat-E.Taleem Trust and Others¹** in Review Petition (Civil) Diary No.53434 of 2025 extended the time line granted in paragraph 217 of Anjuman's case for in-service teachers to acquire the TET qualification from 2 to 3 years, i.e., the qualification has to be obtained by 31st August, 2028 instead of 31st August, 2027, as originally

¹ 2026 INSC 597



directed. Therefore, respondent has to necessarily pass the TET examination on or before 31.08.2028. Till such time, she is entitled to continue in service.

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3. As far as sanction of annual increment is concerned, Section 30 of the Tamil Nadu Government Servants (Conditions Of Service) Act, 2016 contemplates '**Completion of probation and drawal of arrears of increment**'. The said Section reads as under,

“ ...

30. A probationer shall be eligible for sanction of increments on normal dates irrespective of declaration of satisfactory completion of probation, subject to the provisions in section 33 so far as it relates to extension of probation on the grounds of unsuitability. In cases where the probationer is to acquire any special qualification or to pass any prescribed test within the period of probation, or within the extended period of probation referred to in section 33, the first increment, in case where the period of probation is one year and the second increment, in case where the period of probation is two years, shall be sanctioned only after acquiring the qualification or passing the test.”



4. The above provision is clear that arrears of increment shall be sanctioned only after acquiring the qualification or passing the test. As per Section 23 of the Right of Children to Free and Compulsory Education Act, passing of TET qualification became mandatory in view of the regulation issued by the National Council for Teacher Education, as confirmed by the Hon'ble Supreme Court of India. Thus, only after passing of TET test, a teacher is eligible for approval of his /her appointment.

5. In the present case, admittedly, respondent has not passed TET till today. The Hon'ble Supreme Court of India extended the time line to pass the test till 31.08.2028. Meanwhile, respondent filed the writ petition seeking arrears of annual increment. If at all, the respondent passed the test within the time line prescribed by the Hon'ble Supreme Court of India, she is entitled for approval of appointment along with all consequential service and other monetary benefits in accordance with the service rules in force. As on today, respondent is an unqualified teacher, and in view of Section 30 of the Act, she is not entitled to claim arrears of increment, since she did not possess requisite qualification as contemplated.

6. In view of the said factum, the case of the respondent is to be considered for approval for appointment in terms of the judgment of the Hon'ble Supreme Court of India and all other service and monetary benefits are to be granted, if she acquires the mandatory qualification of TET within the



time line as prescribed by the Hon'ble Supreme Court of India.

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7. In view of the above position, the writ order dated 27.09.2021 made in WP.No. 20013 of 2021 is set aside and the present writ appeal is allowed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (N.S.,J.)
03-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

GD

To

1. P. Mangayarkarasi
W/o M Dhanasekaran, BT Assistant (English),
Mahadeva Vidyalayam Higher Secondary
School, Tiruchengode Tk, Namakkal District
637 211
2. The Secretary
Mahadeva Vidyalayam Higher Secondary
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**S.M.SUBRAMANIAM, J.
AND
N.SENTHILKUMAR, J.**

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