



W.A.(MD)No.560 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.01.2026

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A.(MD)No.560 of 2021
and
C.M.P.(MD)No.2587 of 2021**

- 1.The Director of School Education,
(Higher Secondary), Chennai - 6.
- 2.The Chief Educational Officer,
Sivagangai, Sivagangai District.
- 3.The District Educational Officer,
Devakottai,
Sivagangai District.

... Appellants

Vs.

St.John's Girls Higher Secondary School,
Rep. by its Correspondent,
Velimuthu Vilakku,
Arul Nagar, Devakottai - 630 302,
Sivagangai District.

... Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.19339 of 2020 dated 23.12.2020 on the file of this Court.



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For Appellants : Mr.T.Amjadkhan,
Government Advocate.

For Respondent : No appearance

JUDGMENT
(By G.R.SWAMINATHAN, J.)

The department has filed this writ appeal challenging the order dated 23.12.2020 made in W.P.(MD)No.19339 of 2020 filed by the respondent.

2.The case involves granting annual increment to one Sr.G.Stella Mary. The department took the stand that since the appointee had not cleared T.E.T., she is not eligible for annual increment. The said rejection was set aside by the learned Single Judge in the following terms:-

“8.In view of the above, this Writ Petition is allowed and the impugned order passed by the third respondent in A.Thi.Mu.No.2834/Aa3/2020 dated 05.11.2020 is set aside and the matter is remanded back to the third respondent for fresh consideration in the light of the order passed by this Court W.A(MD) Nos.791 and 794 to 796 of 2020, dated 09.09.2020. The



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petitioner is directed to file all the documents before the third respondent within a period two weeks from the date of receipt of a copy of this order and on receipt of the same, the third respondent shall reconsider the proposal sent by the petitioner School dated 18.08.2020 and to provide the annual increment to Sr.G.Stella Mary, BT Assistant (Tamil), within a period of four weeks thereafter. No costs. Consequently, connected miscellaneous petitions are closed.”

3.It is not in dispute that the applicability of RTE Act to minority institutions is the subject matter of reference before the Larger Bench in the Hon'ble Supreme Court. It is needless to mention that any decision taken pursuant to the order dated 23.11.2020 in W.P.(MD)No.19339 of 2020 will abide by the outcome of the reference pending before the Hon'ble Supreme Court.

4.This writ appeal is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.K.M. J.)
29.01.2026

NCC : Yes/No
Index : Yes / No
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