



W.P.(MD)No.6532 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.03.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.6532 of 2025

and

W.M.P(MD)No.4797 of 2025

J.Grace Nirmala

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St.George,
Chennai – 600 009.
- 2.The Director of School Education,
College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
The Office of the CEO,
Thanjavur District – 613 001.
- 4.The District Educational Officer,
The office of the DEO,
Kamatchi Josiyar Street,
Opp., to CUB,
Kumbakonam,
Thanjavur District – 612 001.



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5. The Correspondent,
St. Joseph's Girls Hr. Sec. School,
Kumbakonam -612001
Thanjavur District.

... Respondents

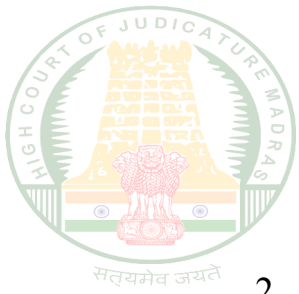
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent Chief Educational Officer in O.Mu.No.1864/A1/2024, dated 08.11.2024 (submitted to Court on 27.11.2024), quash the same and further direct the respondents 3 and 4 to approve forthwith the appointment of the petitioner as B.T.Assistant (Science) in the fifth respondent School with effect from 01.06.2020 and disburse grant in aid towards her salary and other attendant benefits.

For Petitioner : M/s.Amala Irudhaya Mary

For R1 to R4 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Against the order, dated 08.11.2024 of the third respondent, wherein, the proposal sent by the fifth respondent school to approve the appointment of the petitioner as B.T.Assistant (Science) with effect from 01.06.2020 is rejected, the present writ petition has been filed.



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2. The learned counsel for the petitioner contends that the order impugned in this writ petition passed by the third respondent rejecting the proposals sent by the fifth respondent school under two grounds as herein under:

- (i) Non-submission of no surplus certificate.
- (ii) The petitioner did not possess TET qualification.

3. During the course of hearing, the learned counsel for the petitioner contends that on 02.01.2024, the Corporation Head of the fifth respondent School submitted 'no surplus certificate' to the third respondent. With respect to the second ground, the learned counsel for the petitioner submits that as per the judgment of the Division Bench of this Court reported in **2023-3-LW-112 (The Director of School Education D.P.I. Campus, College Road & others Vs. M.Velayutham & another)** for appointment of Teacher in minority aided school, TET is not mandatory.

4. The learned Additional Government Pleader appearing for the respondents 1 to 4 submits that in the light of the settled law that TET qualification for appointment of Teacher in minority aided school is not



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mandatory and the petitioner submitted no surplus certificate on 02.01.2024, the third respondent will pass orders considering the proposal of the fifth respondent School within a time to be stipulated by this Court.

5. Having heard the submissions of the respective learned counsels and on careful examination of the materials available on record, it appears that as the fifth respondent school submitted 'no surplus certificate' and in view of the the Division Bench of this 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), wherein it has been categorically held that pass in TET examination is not mandatory for being appointed in the minority institution, in my considered opinion, the third respondent shall approve the appointment of the petitioner as B.T.Assistant (Science) in the fifth respondent school with effect from 01.06.2020.

6. Accordingly, the writ petition is allowed with the following directions:

1. The third respondent is directed to approve the appointment of the petitioner as B.T.Assistant (Science) in the fifth respondent School with effect from 01.06.2020 within a period of two weeks from the date of receipt of a copy of this order.



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2. On granting approval, the respondents shall disburse grant in aid towards the salary of the petitioner and other attendant benefits within a period of four weeks thereafter.

No costs. Consequently, the connected miscellaneous petition is closed.

12.03.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

- 1.The Secretary,
Department of School Education,
Fort St.George,
Chennai – 600 009.
- 2.The Director of School Education,
College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
The Office of the CEO,
Thanjavur District – 613 001.



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4.The District Educational Officer,
The office of the DEO,
Kamatchi Josiyar Street,
Opp., to CUB,
Kumbakonam,
Thanjavur District – 612 001.

5.The Correspondent,
St.Joseph's Girls Hr.Sec.School,
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BATTU DEVANAND, J.

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