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W.P.No.24304 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.03.2026

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.No. 24304 of 2025

&

W.M.P.No. 27360 of 2025

E.Suganthi Dhanamani

...Petitioner

Vs.

1.The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.

2.The Chief Educational Officer
Kallakurichi,
Kallakurichi District.

3.The District Educational Officer (Elementary)
Kallakurichi,
Kallakurichi District.

4.The Correspondent,
Danish Mission High School,
Santhapet Tirukovilur,
Kallakurichi District.

...Respondents



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Prayer: Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceeding issued by the 3rd respondent in Na.Ka.No.4879/A4/2024 dated 21.11.2024 and quash the same in so far as insisting TET qualification is concerned and consequently directing the respondents 2 and 3 to pass orders for granting approval of appointment of the petitioner in the sanctioned post of B.T.Assistant (History) in the 4th respondent school from the date of appointment with effect from 07.08.2023 with all consequential and other attendant benefits, including payment of arrears of salary from the date of appointment.

For Petitioner : Mr. S.Nedunchezhiyan

For Respondents : Mrs. Mythreye Chandru
1 to 3 Special Government Pleader

For Respondent 4: No Appearance

ORDER

This writ petition is filed for the following relief:

“To call for the records relating to the impugned proceeding issued by the 3rd respondent in Na.Ka.No.4879/A4/2024 dated 21.11.2024 and quash the



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same in so far as insisting TET qualification is concerned and consequently directing the respondents 2 and 3 to pass orders for granting approval of appointment of the petitioner in the sanctioned post of B.T.Assistant (History) in the 4th respondent school from the date of appointment with effect from 07.08.2023 with all consequential and other attendant benefits, including payment of arrears of salary from the date of appointment.”

2. The petitioner was appointed as a B.T.Assistant (History) in the 4th respondent School by orders of the 4th respondent dated 03.08.2023. Accordingly, the petitioner joined the service in the post of the B.T.Assistant (History) on 07.08.2023. Thereafter, the 4th respondent school submitted a proposal on 07.08.2023 and 13.09.2024, to respondents 2 and 3 for approval of her appointment, with effect from 07.08.2023. However, the same was rejected stating that the petitioner has not qualified the TET exam.



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3. Challenging the rejection of approval for sanctioned post in the 4th respondent School, the petitioner is before this Court.

4. The Division Bench of this Court in the Judgement reported in ***2022 SCC Online Mad 4513 – S.Halen Raja Soundari Vs. District Elementary Educational Officer and others***, has held as follows:

“b) Not qualified in Teacher Eligibility Test (TET): It is a well settled proposition that a qualification in the Teachers Eligibility Test (TET), is not a pre-requirement for appointment of a teacher in a private minority educational institution. Following this proposition, this Court in the case of T.Sahayam Vs. The District Educational Officer, Tiruchendur and others, passed in W.P.(MD)No.24902 of 2019, dated 05.07.2022, had placed reliance on other decisions of this Court, upholding this proposition, in the following manner:

“7. Insofar as the reason assigned by the respondent that the proposal cannot be accepted for want



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of TET qualification is concerned, this reasoning has also been dealt with by this Court in several writ petitions, wherein it was held that the pre-requirement of TET qualification for a teacher in a Minority Institution, is not mandatory.

8. In one such decision of this Court in the case of J.D.Christopher Asir Vs. The Director of School Education, DPI Campus, College Road, Chennai and others in W.P. (MD).No.13935 of 2018, dated 29.06.2018, this preposition was held in the following manner:

“9.The issue of requirement of TET qualification for any teacher employed or appointed in a school run by the minority management can no longer be res integra as in a number of cases, the said requirement directed not to be insisted upon. In this regard, as has been pointed out by the learned counsel appearing for the petitioner, the issue has been decided in a judgment of Division Bench of the Principal Seat of this Court in the matter of Secretary to Government, Government of Tamil Nadu, Education



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Department and others Vs. S.Jeyalakshmi and another reported in (2016) 7 MLJ.

10.In the said judgment, the Hon'ble Division Bench has made it clear that the requirement of TET qualification cannot be insisted upon from the teacher working in minority institutions and in this regard a view expressed by the Division Bench and the law held thereon are extracted hereunder:-

“58.In our opinion, non qualifying in TET by the Teachers already in service should not defeat the object of the Government to provide quality and standard education and therefore, the Government may, in the alternative, conduct a refresher course and also some interactive sessions during annual vacation, in order to ensure and enhance the quality of education.

59.Insofar as minority institutions are concerned, the contention of the learned senior counsel appearing for the minority Schools is that when Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 received the assent



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of the President of India and it is still in force, it cannot be supplanted by an Executive Order, namely, by G.O.Ms.No.181 dated 15.11.2011. Further, the Apex Court has clearly held in Pramati Educational and Cultural Trust V. Union of India (Supra) that RTE Act, 2009 is not applicable to the minority institutions. Therefore, we have no hesitation to hold that the right conferred under Article 30(1) of the Constitution cannot be abrogated. Consequently, G.O.Ms.No.181 dated 15.11.2011, which was issued pursuant to the directions of NCTE, cannot be made applicable to the minority institutions.

60.In the light of the above, we are of the view that the Government cannot insist upon the minority institution, both aided or unaided, to abide by any Regulation framed under the provisions of the RTE Act. Therefore, we hold that G.O.Ms.No. 181, School Education (C2) Department dated 15.11.2011 issued by the Government of Tamil Nadu, is not applicable to the minority institutions. Similarly, G.O.Ms.No.76 dated 18.03.2015 issued by the Government



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of Puducherry, is also not applicable to the minority institutions.”

11.Following the said judgment of the Division Bench, a number of orders have been passed in similar situations, where the teachers appointed in minority institutions / schools sent for approval to the authorities, where the said approval had been rejected on the ground that those teachers did not have the TET qualification.”

Thus, the respondents may not be legally justified in insisting that the petitioner, who is a teacher in Minority Institution, should have passed the TET.”

9.In the light of the aforesaid decisions, rejection of the proposals for appointment of the teachers in a minority educational institutions in these writ petitions, wherever applicable, on the ground that TET is a per-requirement for appointment of a teacher cannot be sustained.

Therefore, as on date qualification of passing TET is not required as it is not applicable to minority school. The issue relating to applicability of TET is pending before the Hon’ble Supreme Court in



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SLP.(C).No.1385 of 2025.

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5. Meanwhile, the Government had issued GO.No.300, dated 24.12.2025, wherein it is stated as follows:

“10.மேற்கண்ட நிலையில்,
பள்ளிக்கல்வி இயக்குநரின் கருத்துருவினை அரசு
கவனமுடன் பரிசீலனை செய்து, SLP (C)
No.1385/2025 மற்றும் தொடர்வுடைய வழக்குகளில்
மாண்புமிகு உச்ச நீதிமன்றம் வழங்கிய மேலே
எட்டாவதாகப் படிக்கப்பட்ட 01.09.2025 ஆம் நாளிட்ட
ஆணையினை கருத்தில் கொண்டும், மாநில
அரசின் தலைமை வழக்குரைஞரிடமிருந்து
பெறப்பட்ட மேலே ஒன்பதாவதாகப் படிக்கப்பட்ட
சட்டக் கருத்தின் அடிப்படையிலும், தமிழ்நாடு
தனியார் பள்ளிகள் ஒழுங்குபடுத்தும் விதிகள் 2023
நடைமுறைப்படுத்தப்பட்ட 13.01.2023க்கு முன்னர்
அரசு நிதியுதவி பெறும் சிறுபான்மைப் பள்ளிகளில்
ஆசிரியர் தகுதித் தேர்வு, தேர்ச்சி பெறாமல்



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பணிபுரிந்து வருபவர்களுக்கு நியமன ஒப்புதல் அளிக்க கோரும் பள்ளிக்கல்வி இயக்குநரின் கருத்துரவினை ஏற்று, சிறுபான்மை கல்வி நிறுவனங்களில் ஆசிரியர் தகுதி தேர்வில் தேர்ச்சி குறித்து உச்ச நீதிமன்ற அமர்வின் (Larger Bench) முடிவிற்குட்பட்டு, ஆரக நிதியுதவி பெறும் சிறுபான்மை கல்வி நிறுவனங்களில், 13.01.2023க்கு முன்னர் அனுமதிக்கப்பட்ட நிரப்பத்தகுந்த காலி பணியிடங்களில் பள்ளி நிர்வாகங்களால் நியமிக்கப்பட்டு ஆசிரியர் தகுதித் தேர்வில் தேர்ச்சி பெறாமல் பணிபுரிந்து வரும் மேற்கறிப்பிட்ட 470 ஆசிரியர்களுக்கு அவர்களின் கல்வித் தகுதி உள்ளிட்ட இதர விவரங்களின் உண்மைத் தன்மை உறுதி செய்த பின்னர் தொடர்புடைய அதிகாரம் பெற்ற அலுவலர்களால் நியமன ஏற்பளிப்பு வழங்க ஒப்புதல் அளித்து ஆணை வெளியிடப்படுகிறது,



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6. In view of the above judgments and in the light of GO.No.300 dated 24.12.2025, this writ petition is allowed, the impugned order dated 21.11.2024 is quashed and the 2nd respondent is directed to approve the appointment of the petitioner in the post of B.T.Assistant (History) in the 4th respondent school from the date of appointment i.e., on 07.08.2023 with payment of salary and other service and monetary benefits, within a period of 3 months from the date of receipt of a copy of this order. However, her approval will be subject to the ultimate decision of the Hon'ble Supreme Court in SLP (C) No.1385/2025. Consequently, the connected miscellaneous petition is closed. No costs.

12.03.2026

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