

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-06-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 24370 of 2026

D.Juliet
W/o. M.Jayakumar,
No. 182, West Street,
Odiyanthal Village, Kadambur post,
Vanapuram Taluk,
Kallakurichi district 605 802

..Petitioner(s)

Vs

1. The Director of Elementary Education
D.P.I. Buildings, College Road,
Egmore, Chennai 06
2. The District Educational officer
Villupuram District,
Villupuram 605602
3. The Block Educational officer II
O/o. block Educational officer,
Thiruvannainallur,
Villupuram District 607 203



4. The Correspondent

Danish Mission Elementary School,
Elandurai village, Thiruvannainallur Taluk,
Villupuram District 607 203

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 2nd respondent in Na.Ka.No. 3650/ Aa4/ 2024 dated 8.10.2024 quash the same and consequently direct the respondents to approve the appointment of the petitioner as Secondary Grade Teacher in the 4th respondent school with effect from 7.08.2023 with all consequential service and monetary benefits including arrears of salary and continuity of service, together with interest within such time as may be fixed by this Court.

For Petitioner(s): Mr. G.Anandaraj

For Respondent(s): Mr.A.R.Balaji,

Government Advocate- R1 to R4

ORDER

The writ petition has been filed for the following relief:

'To issue a writ of certiorarified mandamus to call for the records relating to the proceedings of the 2nd respondent in



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Na.Ka.No.3650/Aa4/ 2024 dated 8.10.2024 quash the same and consequently direct the respondents to approve the appointment of the petitioner as Secondary Grade Teacher in the 4th respondent school with effect from 7.08.2023 with all consequential service and monetary benefits including arrears of salary and continuity of service, together with interest within such time as may be fixed by this court.'

2. The petitioner, having acquired a Diploma and a B.A. (English) degree, was appointed as a Secondary Grade Teacher in the 4th respondent school on 29.07.2023 and joined duty on 07.08.2023. The 4th respondent school is an aided religious minority institution. Pursuant to her appointment, the 4th respondent, by proceedings dated 09.10.2023, submitted a proposal to the 3rd respondent seeking approval of the petitioner's appointment as Secondary Grade Teacher. However, the 3rd respondent, by the impugned proceedings dated 26.02.2024, rejected the proposal only on the ground that the petitioner had not passed the Teachers Eligibility Test (TET).

3. Aggrieved by the said rejection, the petitioner approached this Court by filing W.P.No.26068 of 2024 seeking to quash the impugned



order. This Court, by order dated 11.09.2024, allowed the writ petition and quashed the proceedings dated 26.02.2024. This Court further directed that the matter be remitted back to the 2nd respondent for fresh consideration of the proposal on merits in accordance with law. However, despite the specific directions of this Court, the 2nd respondent once again rejected the proposal for approval of the petitioner's appointment as Secondary Grade Teacher on 08.10.2024. Challenging the said order, the petitioner is before this Court.

4. The learned counsel appearing for the petitioner would submit that Teacher Eligibility Test [TET] is not applicable to the Aided Minority Institutions. In support of his contention, the learned counsel appearing for the petitioner has drawn reference to the judgments of this Court to ***The Secretary to Government Vs S.Jayalakshmi & Another reported in 2016(4) CTC 841***, and W.A.No.313 of 2022 & batch etc., dated 02.06.2023.



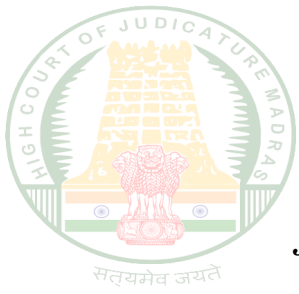
5. Heard the learned counsel on either side and also perused the materials available on record.

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6. 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 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.



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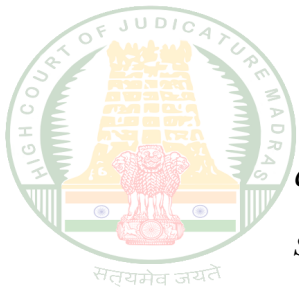


8. *In one such decision of this Court in the case of J.D.Christopher Asir Vs. The Director of School Education, DPI Campus, College Road, Chennai and others in W.P. (MD).No.13935 of 2018, dated 29.06.2018, this preposition was held in the following manner:*

“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 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,



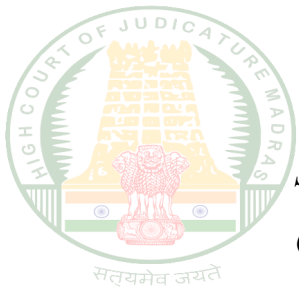
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conduct a refresher course and also some interactive sessions during annual vacation, in order to ensure and enhance the quality of education.

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 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.



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Similarly, G.O.Ms.No.76 dated 18.03.2015 issued by the Government 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, TET is not a pre-requisite / mandatory qualification for the teachers who have been qualified for the post of Secondary Grade Teacher in the minority Schools.

7. The above judgement squarely applies to the facts of the instant case and accordingly the impugned order dated 08.10.2024 is quashed.



The respondents are directed to approve the appointment of the petitioner in the post of Secondary Grade Teacher in the 4th respondent school w.e.f, 07.08.2023 with all consequential monetary benefits, within a period of two months from the date of receipt of a copy of this order.

8. In the result, this writ petition is allowed. Consequently, the Connected miscellaneous petition is closed. No costs.

29-06-2026

Index: Yes/No

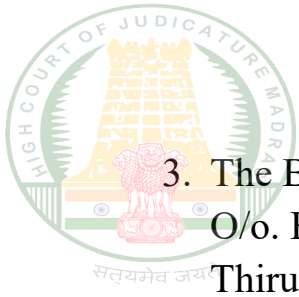
Speaking/Non-speaking order

Neutral Citation: Yes/No

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To

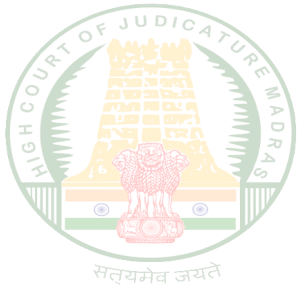
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WP No. 24370 of 2



P.T.ASHA J.

SRN

WP No. 24370 of 2026

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