

WP(MD). No.18625 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03/07/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.18625 of 2026
and WMP(Md)No.13786 of 2026

Sr.A.Sebastiammal

... Petitioner

Vs

1. The Govt. of Tamil Nadu,
Rep. by its Additional Secretary,
Department of School Education,
Fort St. George, Chennai - 9.

2. The Director of School Education,
DPI Campus, College Road, Chennai - 6..

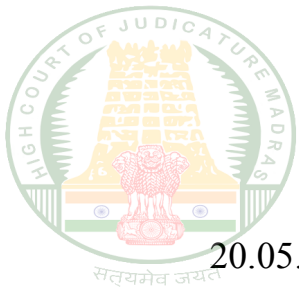
3. The District Educational (Primary) Officer,
The Office of the District Educational Officer,
Tuticorin District.

4. The Block Educational Officer,
the Office of the Block Educational Officer,
Udenkudi, Tuticorin District.

5. The Correspondent,
St. Josephs Primary School,
Manapad, Tuticorin District..

... Respondents

PRAYER:- Writ Petition, filed under Article 226 of the Constitution of India, praying this court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings, dated



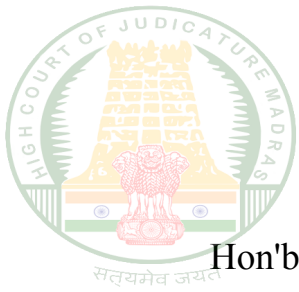
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20.05.2026, in Na.Ka.No.378/A3/2026, on the file of the third respondent and quash the same, in respect of the petitioner, directing the respondents to approve the promotion of the petitioner Sr. Sebastiammal, working as Headmistress w.e.f. 13.06.2024, in St. Joseph Primary School, Manapad, Tuticorin District.

For Petitioner : Mr.S.Savarimuthu
M/s.Father Xavier Associates,
For R1 to R4 : Mr.C.Jeganathan
Counsel for Government of Tamil Nadu
ORDER

This writ petition has been filed by the petitioner challenging the proceedings bearing Na.Ka.No.378/A3/2026 dated 20.05.2026 whereby the third respondent refused to grant approval for the promotion of the petitioner from the post of the Secondary Grade Teacher to the post of Headmistress on the sole ground that the petitioner has not passed the Teachers Eligibility Test. The main ground on which the petitioner has challenged the impugned proceeding is that the fifth respondent school, being a minority school, the qualification of passing of Teachers Eligibility Test cannot be insisted for promotion in a minority school.

2. According to the learned counsel for the petitioner, the very same issue has fallen for consideration before this Court as well as the

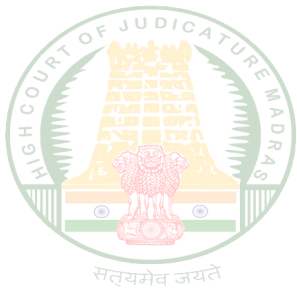


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Hon'ble Apex Court and in **Paramati Educational and Cultural Trust**

vs. Union of India reported in **2014(8)SCC page No.1**, the Hon'ble Apex Court categorically held that the provisions of the Right to Education Act, 2009 cannot be made applicable to minority institutions to thrust TET upon them. Relying on the said judgment, the learned counsel contended that the sole ground on which the impugned proceeding came to be issued is fully unsustainable and contrary to the decision of the Hon'ble Apex Court. The learned counsel for the petitioner also placed reliance on the order dated 12.12.2025 passed in WP(MD)No.25256 of 2025 by a co-ordinate bench of this Court following Paramati's case cited supra.

3.Today,Mr.C.Jeganathan,learned Counsel for Government appearing for the respondents 1 to 4 submitted that the decision rendered in Paramati's case is holding the field as on date, though the same was referred to a Larger Bench for re-consideration and unless and until the view taken in Paramati's case is reviewed, the same is binding on the State as well as the respondent authorities.



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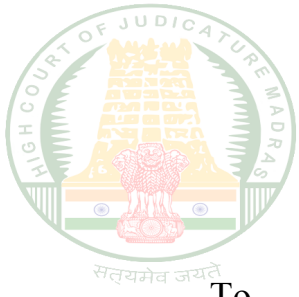
4. In the light of the fair submission made by the learned Counsel for Government and also taking into consideration the decision of the Hon'ble Apex Court in Paramati's case and the order dated 12.12.2025 passed by Co-ordinate Bench of this Court, this Court is unhesitant to come to a conclusion that the impugned proceedings cannot be sustained and hold that there is no justification for the third respondent to insist for pass in Teachers Eligibility Test for promoting the petitioner. Accordingly, the impugned proceeding is hereby quashed with a further direction to the third respondent to grant approval for the promotion without insisting for pass in Teachers Eligibility Test and issue appropriate orders as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of a copy of this order.

5. In fine, this writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

03.07.2026

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