

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21834 of 2015

&

M.P.Nos.1 and 2 of 2015

Tmt.R.Sathya, D.T.Ed, B.Lit., M.A., B.Ed
Secondary Grade Headmaster
Moga Murai Aided Primary School
Thottaipatti, Vennanthur
Namakkal District

... Petitioner

Versus

1. The State of Tamil Nadu
Rep. By its Secretary
Education Department
Secretariat, Chennai - 9
2. The Director of Elementary Education
College Road, Chennai - 6
3. The District Elementary Education Officer
Namakkal
4. The Assistant Elementary Education Officer
Vennanthur
Namakkal District
5. Moga Murai Aided Primary School
Rep by its Correspondent
Thottiapatti, Vennanthur
Namakkal District

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling for the entire records made in O.Mu.No.1509/A1/2012 dated

28.12.2012 on the file of the fourth respondent and quash the same and direct the respondents to approve the appointment of the petitioner, as Secondary Grade Headmaster w.e.f 12.10.2012 with all consequential benefits.

For Petitioner : Mr.N.Ravichandran

For Respondents : Mr.K.Rajendraprasad
Government Advocate

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner was appointed in the fifth respondent School as Headmistress on 01.10.2012, which is an aided elementary school. Apart from the petitioner, there is only one other teacher. Since the other teacher gave a letter stating that he is not interested in the post of Headmaster, the petitioner was appointed as Headmistress.

3. When the school sought for approval of the appointment, the same was rejected on two grounds. Firstly on the ground that the petitioner does not pass TET exam and the second ground was that the post of Headmistress shall be filled up only by way of promotion and if the school resort to direct recruitment, permission should be obtained for direct recruitment.

4. In this case, the other teacher tendered unwillingness for promotion as Headmaster.

5. As far as non-possession of TET qualification is concerned, this Court passed various orders granting temporary approval for a period of five years, taking note of the fact that the TET Examination is not conducted and even if conducted, it has not been conducted on regular basis for the year 2014 and till date no TET examination is conducted for the year 2015.

6. In these circumstances, the respondents are directed to grant temporary approval as Primary School Headmistress for a period of five years from the date of appointment of the petitioner and to grant consequential benefits. It is made clear that if the petitioner fails to qualify in TET, she shall vacate the office.

7. The writ petition is disposed of with the above direction. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

gpa

To

1. The Secretary
Education Department
Secretariat, Chennai - 9
2. The Director of Elementary Education
College Road, Chennai - 6
3. The District Elementary Education Officer
Namakkal
4. The Assistant Elementary Education Officer
Vennanthur
Namakkal District

W.P.No.21834 of 2015 &
M.P.Nos.1 and 2 of 2015

EV(CO)
CA(14/08/2015)

सत्यमेव जयते

WEB COPY