

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34550 of 2015

T.Mercy

... Petitioner

Vs.

1. The Joint Director
Elementary Education (Aided)
College Road,
Chennai - 600 006.
 2. The District Elementary Education Officer
Thiruvannamalai District.
 3. The Additional Assistant
Elementary Education Officer
Arni, Thiruvannamalai District.
 4. The Manager / Correspondent
M.D.Ele. Schools, Arni Circle
CSI, Gethsemane Church
No.12, Suriyakulam,
Mission Compound Arni,
Thiruvannamalai District - 632 301.
- Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the second respondent, to consider and pass orders on the petitioner representation dated 16.10.2015 submitted with request to approve the appointment of the petitioner in the post of the Secondary Grade Teacher without insisting to write Teacher Eligibility Test (IET) with effect from the date of her initial appointment dated 15.10.2015 with all service and monetary benefits in the light of Hon'ble Supreme Court Judgment (2014) 4 MLJ 486 SC.

For Petitioner : Mr.P.Murali

For Respondents : Mr. S.Gunasekar
Government Advocate

O R D E R

By consent, the Writ Petition is taken up for final disposal.

2. The petitioner after completing Diploma in Teacher Education joined the services of the fourth respondent and the fourth respondent is an aided minority institution. The petitioner was appointed as Secondary Grade Teacher (Assistant) in the fourth respondent School on 12.12.2008 and their apprehension is, though in terms of the Judgment rendered by the Constitution Bench of the Hon'ble Supreme Court of India in Pramati Educational and Cultural Trust @ and Others Vs. Union of India and Others reported in (2014) 4 MLJ 486 (SC), she is not required to pass Teacher Eligibility Test, her approval was not given on this ground and in this regard, she has also submitted a representation dated 16.10.2015 seeking approval of her appointment. Since no orders have been passed, the present Writ Petition has been filed.

3. This Court heard the submissions of Mr.P.Murali, learned counsel appearing for the petitioner and Mr. S.Gunasekar, learned Government Advocate, who accepts notice on behalf of the respondents.

4. Though the petitioner prayed for larger relief, this Court in the light of the facts and circumstances and without going into the merits of the representation of the petitioner, directs the second respondent to consider and dispose of the petitioner's representation dated 16.10.2015 on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

5. The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

vsg

To

1. The Joint Director Elementary Education
(Aided) College Road,
Chennai - 600 006.
2. The District Elementary Education Officer
Thiruvannamalai District.
3. The Additional Assistant Elementary Education Officer
Arni, Thiruvannamalai District.
4. The Manager / Correspondent
M.D.Ele. Schools, Arni Circle
CSI, Gethsemane Church
No.12, Suriyakulam, Mission Compound
Arni, Thiruvannamalai District - 632 301.

+1cc to Mr.P. Murali, Advocate, S.R.No.59035
+1cc to the Government Pleader, S.R.No.59246

SAI (CO)
EU(17/11/2015)

W.P.No.34550 of 2015



WEB COPY