



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.08.2016

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P (MD) Nos.14498, 14499, 14520, 14829, 14830, 14902, 14450 to 14455,
14656 and 14643 of 2016

and

WMP (MD) Nos.10747 to 10752, 10773 to 10775, 10966 to 10968,
10992, 10993, 10710 to 10725, 10875, 10860 to 10862 of 2016

SR.L.PREMA	... petitioner in WP (MD). 14498/2016
A.KANISHTHA MARY	... Petitioner in WP (MD). 14499/2016
SR.A.VINOTHA PEERIS	... Petitioner in WP (MD). 14520/2016
D.JEBACHITRA	... Petitioner in WP (MD). 14829/2016
J.JEBASINGH	... Petitioner in WP (MD). 14830/2016

THE CORRESPONDENT

ST. ALOYSIUS HR.SEC. SCHOOL,
KARANKADU- 629 809,

KANYAKUMARI DISTRICT. ... Petitioner in WP (MD). 14902/2016

THE CORRESPONDENT,

ST.JOSEPHS PRIMARY SCHOOL,
MATTIARENDAL 623 533,

RAMANATHAPURAM DISTRICT ... Petitioner in WP (MD). 14450/2016

SR.R.CLARA JENIFER	... Petitioner in WP (MD). 14451/2016
J.MARGRET PUNITHA	... Petitioner in WP (MD). 14452/2016
P.SASINTHARANI	... Petitioner in WP (MD). 14453/2016
A. RITA SUBA	... Petitioner in WP (MD). 14454/2016
SR.L.JULIET ANCILA MARY	... Petitioner in WP (MD). 14455/2016
SHABU K. SHIN,	... Petitioner in WP (MD). 14656/2016
SINDUJA SHARMILA DORATHY	... Petitioner in WP (MD). 14643/2016

- Vs. -

1) THE GOVERNMENT OF TAMIL NADU,
REP. BY THE ADDITIONAL CHIEF SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST.GEORGE, MADRAS-600 009.

2) THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS,
COLLEGE ROAD, CHENNAI-600 006.

3) THE CHIEF EDUCATIONAL OFFICER,
<https://hcservices.ecourts.gov.in/hcservices/>
THE OFFICE OF THE CHIEF EDUCATIONAL OFFICER,
TIRUNELVELI DISTRICT.



4) THE DISTRICT EDUCATIONAL OFFICER,
THE OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
TENKASI-627 811, TIRUNELVELI DISTRICT.

5) THE CORRESPONDENT,
ST. MICHAEL'S GIRLS HIGHER SECONDARY SCHOOL,
TENKASI-627 811,
TIRUNELVELI DISTRICT. ... Respondents in WP(MD) No. 14498/2016

1 THE GOVERNMENT OF TAMILNADU
REP. BY THE ADDITIONAL CHIEF SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, MADRAS 600 009

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE ROAD,
CHENNAI 600 006

3 THE CHIEF EDUCATIONAL OFFICER,
THE OFFICE OF THE CHIEF EDUCATIONAL OFFICER,
SRI PRAGATHAMBAL HIGHER SECONDARY SCHOOL CAMPUS,
PUDUKOTTAI 622 001

4 THE DISTRICT EDUCATIONAL OFFICER,
THE OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
NEAR PALLAVANKULAM, PUDUKOTTAI 622 001

5 THE CORRESPONDENT,
SACRED HEART GIRLS HIGHER SECONDARY SCHOOL,
PERANGULAM SOUTH, PUDUKOTTAI 622 001
... Respondents in WP(MD). 14499/2016

1 THE GOVERNMENT OF TAMILNADU
REP. BY THE ADDITIONAL CHIEF SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, MADRAS 600 009

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE ROAD, CHENNAI 600 006

3 CHIEF EDUCATIONAL OFFICER,
THE OFFICE OF THE CHIEF EDUCATIONAL OFFICER,
DINDIGUL DISTRICT.

4 THE DISTRICT EDUCATIONAL OFFICER,
THE OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
DINDIGUL, DINDIGUL DISTRICT.

5 THE CORRESPONDENT,
<https://hcservices.ecourts.gov.in/hcservices/>
ST. JOSEPH'S GIRLS HIGHER SECONDARY SCHOOL,
DINDIGUL 624 001 ... Respondents in WP(MD). 14520/2016



- 1 THE STATE OF TAMILNADU
REP. BY ITS SECRETARY DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI-09.
- 2 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI-06.
- 3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TUTICORIN, TUTICORIN DISTRICT.
- 4 THE ADDITIONAL ASSISTANT,
ELEMENTARY EDUCATIONAL OFFICER,
UDANGUDI UNION, TUTICORIN DISTRICT.
- 5 THE CORRESPONDENT,
TNDTA PRIMARY SCHOOL,
VELLALANVILAI,
TUTICORIN DISTRICT- 628 219 Respondents in WP(MD).14829/2016
- 1 THE STATE OF TAMILNADU
REP. BY ITS SECRETARY DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI-09.
- 2 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI-06.
- 3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TUTICORIN, TUTICORIN DISTRICT.
- 4 THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
UDANGUDI UNION, TUTICORIN DISTRICT.
- 5 THE CORRESPONDENT,
TNDTA PRIMARY SCHOOL,
POTHARAKKANVILAI, TUTICORIN DISTRICT- 628 219.
...Respondents in WP(MD).14830/ 2016
- 1 THE STATE OF TAMILNADU
REP. BY ITS SECRETARY, DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, CHENNAI-09
- 2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI-06.
- 3 THE CHIEF EDUCATIONAL OFFICER,
NAGERCOIL, KANYAKUMARI DISTRICT.
- 4 THE DISTRICT EDUCATIONAL OFFICER,
THUCKALAY, KANYAKUMARI DISTRICT.
... Respondents in WP(MD). 14902/ 2016



1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT.ST.GEORGE, CHENNAI 600 009

2 THE DIRECTOR OF ELEMENTARY EDUCATION,
COLLEGE ROAD, CHENNAI 600 009

3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT

4 THE ADDITIONAL ASSISTANT EDUCATIONAL OFFICER,
MUDUKALATHUR, 623 704, RAMANATHAPURAM DISTRICT

... Respondents in WP(MD). 14450/ 2016

1 THE GOVT. OF TAMIL NADU
REP. BY THE ADDITIONAL CHIEF SECONDARY
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, MADRAS- 600 009.

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE RD, CHENNAI-06

3 CHIEF EDUCATIONAL OFFICER,
THE OFFICE OF THE CHIEF EDUCATION OFFICER,
DINDIGUL DISTRICT.

4 DISTRICT EDUCATIONAL OFFICER,
THE OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
DINDIGUL, DINDIGUL DISTRICT.

5 THE CORRESPONDENT,
ST. JOSEPHS GIRLS HR. SEC. SCHOOL,
DINDIGUL- 624 001. ... Respondents in WP(MD). 14451/ 2016

1 THE GOVT. OF TAMIL NADU
REP. BY THE ADDITIONAL CHIEF SECONDARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, MADRAS- 600 009.

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE RD, CHENNAI-06

3 CHIEF EDUCATIONAL OFFICER,
THE OFFICE OF THE CHIEF EDUCATION OFFICER,
DINDIGUL DISTRICT.

4 DISTRICT EDUCATIONAL OFFICER,
THE OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
DINDIGUL, DINDIGUL DISTRICT.



5 THE CORRESPONDENT,
ST. JOSEPHS GIRLS HIGHER SECONDARY SCHOOL,
DINDIGUL- 624 001. ... Respondents in WP(MD). 14452/ 2016

1 THE GOVERNMENT OF TAMILNADU
REP. BY THE ADDITIONAL CHIEF SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT. ST. GEORGE, CHENNAI 600 009

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE ROAD, CHENNAI 600 006

3 THE CHIEF EDUCATIONAL OFFICER,
THE OFFICE OF THE CHIEF EDUCATIONAL OFFICER,
MADURAI DISTRICT

4 THE DISTRICT EDUCATIONAL OFFICER,
THE OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
MADURAI DISTRICT.

5 THE CORRESPONDENT,
UNION CHRISTIAN HIGHER SECONDARY SCHOOL (T.E.L.C.),
MADURAI 625 001

... Respondents in WP(MD). 14453/ 2016

1 THE GOVT. OF TAMIL NADU,
REP. BY THE ADDITIONAL CHIEF SECONDARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, MADRAS- 600 009.

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE RD, CHENNAI-06

3 CHIEF EDUCATIONAL OFFICER,
THE OFFICE OF THE CHIEF EDUCATIONAL OFFICER,
DINDIGUL DISTRICT.

4 DISTRICT EDUCATIONAL OFFICER,
THE OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
DINDIGUL, DINDIGUL DISTRICT.

5 THE CORRESPONDENT,
ST. JOSEPHS GIRLS HR. SEC. SCHOOL,
DINDIGUL- 624 001. ... Respondents in WP(MD). 14454/ 2016

1 THE GOVT. OF TAMIL NADU
REP. BY THE ADDITIONAL CHIEF SECONDARY,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, MADRAS- 600 009.



2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE RD, CHENNAI-06

3 CHIEF EDUCATIONAL OFFICER,
THE OFFICE OF THE CHIEF EDUCATIONAL OFFICER,
TIRUNELVELI DISTRICT.

4 DISTRICT EDUCATIONAL OFFICER,
THE OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
TENKASI 627 811, TIRUNELVELI DISTRICT.

5 THE CORRESPONDENT,
ST. MICHAELS GIRLS HIGHER SECONDARY SCHOOL,
TENKASI 627 811, TIRUNELVELI DISTRICT.

... Respondents in WP(MD). 14455/ 2016

1 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, COLLEGE RD, CHENNAI-06.

2 THE JOINT DIRECTOR OF SCHOOL EDUCATION(SECONDARY),
DPI CAMPUS, COLLEGE ROAD, CHENNAI-06.

3 THE CHIEF EDUCATIONAL OFFICER,
KANYAKUMARI DISTRICT, AT NAGERCOIL.

4 THE DISTRICT EDUCATIONAL OFFICER,
KUZHITHURAI, KANYAKUMARI DT-629175

5 THE CORRESPONDENT,
ST. MARYS HR.SEC. SCHOOL, KALIYAL,
KANYAKUMARI DISTRICT.

... Respondents in WP(MD). 14656/ 2016

1 THE STATE OF TAMIL NADU
REP. BY ITS SECRETARY,
SCHOOL EDUCATION (C2) DEPARTMENT,
FORT.ST.GEORGE, CHENNAI

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD, CHENNAI

3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
O/O. DISTRICT ELEMENTARY EDUCATIONAL OFFICE,
VIRUDHUNAGAR DISTRICT.

4 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
O/O. DISTRICT EDUCATIONAL OFFICE, SIVAKASI,
VIRUDHUNAGAR DISTRICT.



5 THE CORRESPONDENT,
CMS MIDDLE SCHOOL, SATCHIYAPURAM,
VIRUDHUNAGAR DISTRICT.

...Respondents in WP(MD).14643/ 2016

Prayer in WP(MD)No. 14498/2016:

Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011, on the file of the 1st respondent and the consequential proceedings dated 13.05.2016 in O.Mu.No.827/AA1/2016 on the file of the 4th respondent and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Sr.L.Prema, as B.T. Assistant (History) in St. Michael's Girls Higher Secondary School, Tenkasi-627 811 Tirunelveli w.e.f 01.07.2014, with all service benefits.

Prayer in WP(MD). 14499/ 2016 :

Writ Petition is 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 G.O.Ms.No.181, School Education (C2) Department dt.15.11.2011, on the file of the 1st respondent, the consequential proceedings dated 25.02.2016 in O.Mu.No.241/A4/2016, on the file of the 4th respondent, and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner A.Kanishtha Mary, as (English) in Sacred Heart Girls Hr.Sec.School, Perangulam South, Pudukottai dt w.e.f. 01.12.2015, with all service benefits.

Prayer in WP(MD). 14520/ 2016 :

Writ Petition is 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 G.O.Ms.No.181, School Education (C2) Department dt.15.11.2011, on the file of the 1st respondent, the consequential proceedings dated 10.06.2016 in O.Mu.No.6980/A1/2015, on the file of the 4th respondent, and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Sr.A.Vinotha Peeris as B.T.Assistant (Tamil) in St.Josephs Girls Hr.Sec.School, Dindigul w.e.f.19.10.2015 with all service benefits.

Prayer in WP(MD). 14829/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 4th respondent herein in A.Thi.Mu.No.374/A1/2012 dated 04.01.2013 quash the same, and further direct the 3rd respondent herein to approve the petitioners appointment as secondary Grade Teacher in the 5th respondent school



from 01.03.2012 onwards with salary and other attendant benefits.

Prayer in WP(MD). 14830/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the 3rd respondent herein to approve forthwith the appointment of petitioner as secondary Grade Teacher in the 5th respondent school from 03.07.2012 onwards with salary and other attendant benefits without insisting pass in Teacher Eligibility Test.

Prayer in WP(MD). 14902/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 3rd respondent Chief Educational Officer in Na.Ka.No. 6687/Aa1/13 dated 27.08.2013 in so far as it directs the school to fill up the post with TET candidate is concerned and the consequential proceedings of the 4th respondent District Educational Officer in Na.Ka. No. 3721/Aa2/2013 dated 01.10.2013, Quash the same and further direct the 4th respondent District Educational officer to approve forthwith the appointment of D Nirmala Bright as BT Assistant(Science) in the petitioner school w.e.f. The date of her appointment viz., 01.06.2012 with all attendant benefits.

Prayer in WP(MD). 14450/ 2016 :

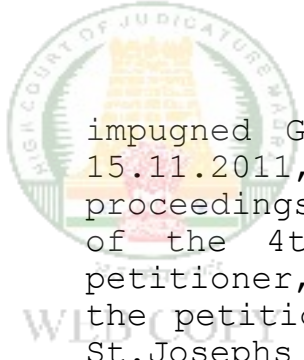
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the 3rd respondent District Elementary Educational Officer to approve forthwith the appointment of Thiru. A.Lawrence as Secondary Grade Teacher in the petitioners School w.e.f. 06.06.2015 and disburse the grant-in-aid towards his salary and allowance w.e.f. the said date.

Prayer in WP(MD). 14451/ 2016 :

Writ Petition is 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 G.O.Ms.No. 181, School Education (C2) Department, dated 15.11.2011, on the file of the 1st respondent and the consequential proceedings dated 10.06.2016 in O.Mu.No. 6979/A1/2015, on the file of the 4th respondent, and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Sr.R.Clara Jenifer, as B.T. Assistant (Science) in St.Josephs Girls Higher Secondary School, Dindigul- 624 001., w.e.f. 01.06.2015, with all services benefits.

Prayer in WP(MD). 14452/ 2016 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition is 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 G.O.Ms.No. 181, School Education (C2) Department, dated 15.11.2011, on the file of the 1st respondent and the consequential proceedings dated 10.06.2016 in O.Mu.No. 6978/A1/2015, on the file of the 4th respondent, and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Mrs.J.Margret Punitha, as B.T. Assistant (Tamil) in St.Josephs Girls Higher Secondary School, Dindigul- 624 001., w.e.f. 24.07.2012, with all services benefits.

Prayer in WP(MD). 14453/ 2016 :

Writ Petition is 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 G.O.Ms.No.181, School Education (C2) Department dt.15.11.2011, on the file of the 1st respondent, the consequential proceedings dated 07.11.2013 in O.Mu.No.6364/AA2/2013, on the file of the 4th respondent, and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Mrs.P.Sasintharani, as (History) in Union Christian Higher Secondary School (TELC)Madurai w.e.f. 22/08/2013 with all service benefits.

Prayer in WP(MD). 14454/ 2016 :

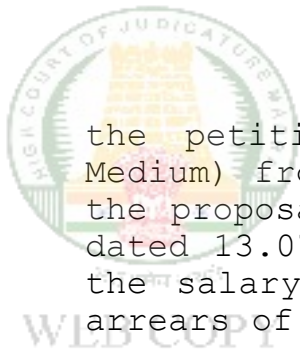
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned G.O.Ms.No. 181, School Education (C2) Department, dated 15.11.2011, on the file of the 1st respondent and the consequential proceedings dated 10.06.2016 in O.Mu.No. 6981/A1/2015, on the file of the 4th respondent, and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Mrs. A. Rita Suba, as B.T. Assistant (Tamil) in St.Josephs Girls Higher Secondary School, Dindigul- 624 001., w.e.f. 10.06.2013, with all services benefits.

Prayer in WP(MD). 14455/ 2016 :

Writ Petition is 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 G.O.Ms.No. 181, School Education (C2) Department, dated 15.11.2011, on the file of the 1st respondent and the consequential proceedings dated 13.05.2016 in O.Mu.No. 828/AA1/2016, on the file of the 4th respondent, and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Sr.L.Juliet Ancila Mary, as B.T. Assistant (Tamil) in St.Michaels Girls Higher Secondary School, Tenkasi- 627 811, Tirunelveli, w.e.f. 01.07.2015, with all services benefits.

Prayer in WP(MD). 14656/ 2016 :

<https://hcservices.ecourts.gov.in/hcservices/> Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the respondents to approve the appointment of



the petitioner in the post of B.T Assistant (Maths, Malayalam Medium) from the date of appointment that is on 10.10.2011 based on the proposal forwarded by the 5th respondent by its proceedings Nil dated 13.07.2016 and consequently direct the respondent to disburse the salary and all other attendant benefits, including payment of arrears of salary with interest.

Prayer in WP(MD). 14643/ 2016 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the 4th respondent in his proceedings in Aa.The.Mu.No.A3/676/2016 dated 29.06.2016 and quash the same as illegal and consequently direct the respondents to approve any appointment as a Secondary Grade Assistant in the 5th respondent school.

For Petitioners

Mr.V.John Kennedy, Advocate in

WP(MD)Nos.14498, 14499 & 14520, 14451 to 14455 of 2016

Mr.E.V.N.Siva for Mr.A.Ajith Geethan, Advocate in

WP(MD)Nos.14829, 14830 of 2016

Mr.K.Ragatheesh Kumar for Mr.T.Cibi Chakraborty, Advocate in
WP(MD)No.14902 of 2016

MR.T.Cibi Chakraborty, Advocate in WP(MD)No14450 of 2016

MR.S.C.Herold Singh, Advocate in WP(MD)No.14656 of 2016

Mr.E.Marees Kumar for Mr.B.Baskar, Advocate in
WP(MD)No.14643 of 2016

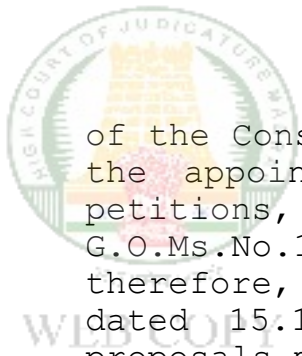
For Respondents

For Mr.V.R.Shanmuganathan, Special Government Pleader
on behalf of Government Departments/Government Officials

COMMON ORDER

Challenging either the rejection/return of proposals of the respective minority schools, seeking to approve the appointments made by them for the Teaching Posts as against the sanctioned vacancies or seeking a direction to the official respondents to grant approval for the appointments made by such minority schools, these writ petitions have been filed.

2.Placing heavy reliance on a judgment of the Hon'ble Supreme Court in Pramati Educational and Cultural Trust and others vs. Union of India and others, reported in 2014 (4) MLJ 486 (SC), learned counsels appearing for the petitioner in all the writ petitions, have contended that when the Apex Court has given an authoritative pronouncement, making it clear that Right of Children to Free and Compulsory Education Act 2009 Act, in so far as it is made applicable to minority schools referred in Clause (1) of Article 30



of the Constitution is ultra vires of the Constitution, approval for the appointments made by the minority schools in all the writ petitions, ought not to have been refused on the basis of G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011, therefore, both G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011 and the consequential rejection/return of the proposals made by the concerned minority schools seeking approval of the appointments made by them in teaching posts, it is pleaded, are liable to be set aside.

3.Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents, would fairly submit that, as per Section 23 of the Right of Children to Free and Compulsory Education Act 2009, which states that any person possessing minimum qualification as laid down by an academic authority authorised by the Central Government by notification, shall be eligible for appointment as teacher, National Council for Teacher Education(in short, 'the Council') is the academic authority appointed by the Government of India. The Council for Teacher Education has issued a Notification, dated 23.08.2010, prescribing the Teacher Eligibility Test(in short, 'TET') as minimum educational qualification for appointment of Teachers in schools. In terms of the recommendation and the Notification issued by the Council, the Government of Tamil Nadu have also issued G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011, making it clear that TET shall be conducted by the Teachers Recruitment Board in accordance with the guidelines framed by the Council and in view of the said G.O., the teachers, who passed the TET alone, were made eligible to become Teacher.

4.Adding further, he would submit that the issue as to whether the provisions of the Right of Children to Free and Compulsory Education Act 2009 would be applicable to a minority institution, is pending consideration before the Supreme Court in Ashwini Thanappan vs. Director of Education and another, reported in (2014) 8 SCC 272. Further, following the abovesaid reference order, a Hon'ble Division Bench of this Court also, in W.A.No.1299 of 2015, has passed an order dated 14.09.2015, directing the Educational authorities to pay only the salary with a further direction not to remove the concerned teacher till the issue under Reference is decided.

5.At this juncture, it is necessary to extract below paragraph Nos.4 to 8 of the order passed by the Hon'ble Division Bench in W.A.No.1299 of 2015, dated 14.09.2015:-

'4.Be that as it may, the issue as to whether the provisions of the Act, will be applicable to a minority institution, is pending consideration in Aswinithanappan Vs. Director of Education and another - (2014) 8 SCC 272.

5.In view of the above, without going into the merits of the case as to whether a teacher appointed in a minority school is



required to have TET qualification, as the same is the subject matter of the Writ petition, we are of the considered view that interest justice would sub-serve, if the appointment of the first respondent is protected, without giving any direction to the State Government to grant temporary approval.

WEB COPY

6.Mr.D.Krishnakumar, learned Special Government Pleader (Education) appearing for the appellants fairly submits that the first respondent shall not be terminated during the pendency of the said writ petition being W.P.No.14072 of 2015.

7.Accordingly, we direct that the first respondent shall be given her salary in the course of her employment and no steps to remove her from service shall be taken till the disposal of the writ petition. However, it is made clear that this order is subject to the final outcome of the pending writ petition. It is further made clear that the first respondent shall not claim any equity on account of this order, without prejudice to the rights and contentions of the parties, therein.

8.This intra-Court appeal is disposed of accordingly. No costs. Connected Miscellaneous Petition is closed."

6.It is stated that the appointments made by the minority schools in all these cases are against sanctioned posts, therefore, approval for such appointments ought not to have been denied, however, as the issue as to whether the provisions of the Right of Children to Free and Compulsory Education Act 2009, would be applicable or not to a minority institution, is pending consideration in Aswinithanappan's case (cited supra), following the abovesaid order dated 14.09.2015 passed by the Hon'ble Division Bench in W.A.No.1299 of 2015, these Writ Petitions are disposed of with the following directions:-

The teachers appointed by the minority schools concerned in all these cases shall be given salaries in the course of his/her employment and no steps to remove him/her from service shall be taken. However, it is made clear that this order is subject to the outcome of the case pending before the Supreme Court in Aswinithanappan's case(cited supra). It is further made clear that teachers concerned shall not claim any equity on account of this order, without prejudice to the rights and contentions of the parties. Since the Teachers are working in the minority schools concerned, the official respondents shall pay salaries to them from August 2016 onwards. No costs. Connected Miscellaneous Petitions are closed.

Sd/
Assistant Registrar(P&A)

/True Copy/

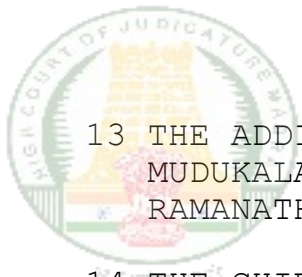
<https://hcservices.ecourts.gov.in/hcservices/>

Sub Assistant Registrar.



Copy to:-

- 1) THE ADDITIONAL CHIEF SECRETARY,
THE GOVERNMENT OF TAMIL NADU,
DEPARTMENT OF SCHOOL EDUCATION,
FORT ST. GEORGE, MADRAS-600 009.
- 2) THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS,
COLLEGE ROAD, CHENNAI-600 006.
- 3) THE CHIEF EDUCATIONAL OFFICER,
THE OFFICE OF THE CHIEF EDUCATIONAL OFFICER,
TIRUNELVELI DISTRICT.
- 4) The District Educational Officer,
The Office of the District Educational Officer,
Tenkasi-627 811, Tirunelveli District.
- 5 THE CHIEF EDUCATIONAL OFFICER,
THE OFFICE OF THE CHIEF EDUCATIONAL OFFICER,
SRI PRAGATHAMBAL HIGHER SECONDARY SCHOOL CAMPUS,
PUDUKOTTAI 622 001
- 6 THE CHIEF EDUCATIONAL OFFICER,
THE OFFICE OF THE CHIEF EDUCATIONAL OFFICER,
DINDIGUL DISTRICT.
- 7 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TUTICORIN, TUTICORIN DISTRICT.
- 8 THE DISTRICT EDUCATIONAL OFFICER,
THE OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
NEAR PALLAVANKULAM, PUDUKOTTAI.
- 9 THE DISTRICT EDUCATIONAL OFFICER,
THE OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
DINDIGUL, DINDIGUL DISTRICT.
- 10 THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATION OFFICER,
UDANGUDI UNION, THOOTHUKUDI DISTRICT.
- 11 THE DISTRICT EDUCATIONAL OFFICER,
THE OFFICE OF THE DISTRICT EDUCATIONAL OFFICER,
THUCKALAY, KANYAKUMARI DISTRICT.
- 12 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
RAMANATHAPURAM, RAMANATHAPURAM DISTRICT.



13 THE ADDITIONAL ASSISTANT EDUCATIONAL OFFICER,
MUDUKALATHUR-623 704
RAMANATHAPURAM DISTRICT.

14 THE CHIEF EDUCATIONAL OFFICER,
O/O THE CHIEF EDUCATIONAL OFFICER,
MADURAI DISTRICT.

15 THE DISTRICT EDUCATIONAL OFFICER,
O/O, DISTRICT EDUCATIONAL OFFICER,
MADURAI.

16 THE DISTRICT EDUCATIONAL OFFICER,
O/O, DISTRICT EDUCATIONAL OFFICER,
TENKASI- 627 811

17 THE CHIEF EDUCATIONAL OFFICER,
O/O THE CHIEF EDUCATIONAL OFFICER,
KANYAKUMARI DISTRICT @ NAGERCOIL.

18 THE DISTRICT EDUCATIONAL OFFICER,
KUZHITHURAI, KANYAKUMARI-629 175

19 THE DISTRICT EDUCATIONAL OFFICER
O/O THE DISTRICT EDUCATIONAL OFFICER,
VIRUDHUNAGAR DISTRICT.

20 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
O/O. THE DISTRICT EDUCATIONAL OFFICER,
SIVAKASI

21 THE JOINT DIRECTOR OF SCHOOL EDUCATION (SECONDARY)
DPI CAMPUS, COLLEGE ROAD, CHENNAI-6

+8CC to M/S.V.JOHN KENNEDY, Advocate, SR.No. 46050 TO 46057
+2CC to M/S.AJITH GEETHAN, Advocate, SR.No. 46041, 46042
+1CC to M/S. T.CIBI CHAKRABORTHY, Advocate, SR.No. 46103
+1CC to M/S.AJMAL ASSOCIATES, SR.No. 46263
+1CC to M/S.S.C.HEROLD SINGH, Advocate, SR.No. 46113
+1CC to the Special Government Pleader, SR.No. 46168

W.P (MD) Nos.14498, 14499, 14520, 14829, 14830, 14902, 14450 to 14455,
14656 and 14643 of 2016 and
Connected Miscellaneous Petitions