



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2016

C O R A M

WEB COPY

THE HONOURABLE Dr.JUSTICE **S.VIMALA**

Writ Petition (MD) Nos.18194 and 18195 of 2016
and
WMP(MD)Nos.13124 and 13125 of 2016

S.Jeya Mary .. Petitioner in W.P.(MD)No.18194 of 2016

Ooliyasthanam Teacher
Training Institute,
Palayapettai-Gandhinagar Post,
Tirunelveli, Rep. by its
The Correspondent

.. Petitioner in W.P.(MD)No.18195 of 2016

Vs.

1.The Secretary,
Department of School Education,
Chennai - 600 009.

2.The Director,
Teacher's Education Research and Training,
Chennai.

3.The Principal,
District Teachers Education and Training Institute,
Munajipatti.

..Respondents 1 to 3 in both the W.Ps.

4.The Correspondent,
Saratucker Teacher Training Institute,
Palayamkottai, Tirunelveli.

.. Respondent No.4 in W.P.(MD)No.18194/16

Prayer in W.P.(MD)No.18194 of 2016: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 3rd respondent to approve the petitioner appointment as BT Assistant/Jr.Lecturer at 4th respondent school without insisting TET approval and give all other service and monetary benefit from 17.04.12.

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

Prayer in W.P.(MD)No.18195 of 2016: Petition filed under Article 226 of the Constitution of India praying for the issuance of a



Writ of Mandamus directing the 3rd respondent to approve the petitioner reliving and appointment proposal dated 19.06.2013 and 03.09.2013 respectively with effect from 19.06.2013 & 09.07.2013 and give all other service and monetary benefit to the appointee.

For petitioners in

both the W.Ps. ... Mr.S.Chellapandian

For Respondents

in both the W.Ps. ... Mr.M.Alagadevan

Special Government Pleader

C O M M O N O R D E R

These writ petitions have been filed seeking direction to the 3rd respondent to approve the appointment of BT Assistants/Jr.Lecturers without insisting TET approval and give all other service and monetary benefits.

2.Heard the learned counsel for the petitioners and the learned Special Government Pleader for the respondents.

3.The petitioner in W.P.(MD)No.18194 of 2016 was appointed as BT Assistant in the fourth respondent school on 17.04.2012. It is a sanctioned post. The fourth respondent has sent the appointment proposal to the third respondent on 21.10.2013. The third respondent wanted a clarification as to whether the approval can be granted without possessing the TET qualification. The second respondent by the order, dated 18.09.2014, clarified that in respect of the petitioner Jeya Mary and one M.R.C.Priya, for whom, the Management has filed W.P.(MD)No.18195 of 2016, it has been held that the TET test is not necessary. Even thereafter, the third respondent failed to approve their appointment, that has compelled these petitioners to move these writ petitions.

4.The learned counsel for the petitioners would submit that inspite of the Division Bench Judgment of this Court dated 24.08.2016, passed in W.A.Nos.213 and 572 of 2016 etc. batch, wherein it has been held that G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011 is not applicable to the minority institutions and despite the fact that the second respondent himself clarified that in respect of these petitioners, TET qualification is not necessary, the third respondent has not approved the appointment of the petitioners, which is illegal and unjust.

5.It is also pointed out that the petition for approval of the appointment of a Head Master has nothing to do with the appointment of these petitioners and finding one reason or other ~~unreasonably~~, the approval is not given and therefore, there must be a direction to the third respondent to approve the appointment



of the petitioners.

6. In view of the above, the third respondent is directed to approve the appointment of the petitioners without insisting upon the TET qualification, within a period of two weeks from the date of receipt of a copy of this order with all attendant service benefits.

7. These writ petitions are disposed of accordingly. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

rj2

To

1. The Secretary,
Department of School Education,
Chennai - 600 009.

2. The Director,
Teacher's Education Research and Training,
Chennai.

3. The Principal,
District Teachers Education and Training Institute,
Munajipatti.

+2cc to Mr. S. Chellapandian Advocate Sr.No. 55354

JAM/15.12.16/SK/SAR 3/3p-6c

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