



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

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD CHENNAI- 6.

3 THE CHIEF EDUCATIONAL OFFICER,
NAGERCOIL, KANYAKUMARI DISTRICT.

4 THE DISTRICT EDUCATIONAL OFFICER,
KUZHITHURAI, KANYAKUMARI DISTRICT.

5 THE CORRESPONDENT,
ST. JOSEPHS HIGHER SECONDARY SCHOOL,
VIZHUNTHAYAMBALAM, KANYAKUMARI DISTRICT.

... RESPONDENTS in WP(MD) No.22511 of 2015

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- 6.

3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TIRUNELVELI, TIRUNELVELI DISTRICT.

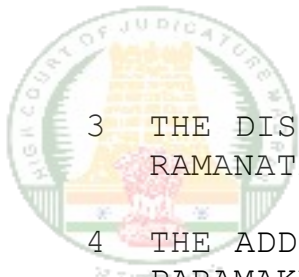
4 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
VALLIOOR, TUTICORIN DISTRICT.

5 THE CORRESPONDENT,
ST. TERESA S RC MIDDLE SCHOOL,
PUSHPAVANAM, TIRUNELVELI DISTRICT-627 109.

... RESPONDENTS in WP(MD) No.21893 of 2015

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- 6.



3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
RAMANATHAPURAM DISTRICT.

4 THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER ,
PARAMAKUDI, RAMANATHAPURAM DISTRICT.

5 THE CORRESPONDENT,
TELC MIDDLE SCHOOL PARAMAKUDI
RAMANATHAPURAM DISTRICT.

... RESPONDENTS in WP(MD) No.23380 of 2015

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

2 THE DIRECTOR OF SCHOOL EDUCATION,
COLLEGE ROAD CHENNAI- 6.

3 THE CHIEF EDUCATIONAL OFFICER
KANYAKUMARI DISTRICT, NAGERCOIL.

4 THE DISTRICT EDUCATIONAL OFFICER,
KUZHITHURAI, KANYAKUMARI DISTRICT.

... RESPONDENTS in WP(MD) No.1089 of 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 SCHOOL EDUCATION,
COLLEGE ROAD CHENNAI- 6.

3 THE CHIEF EDUCATIONAL OFFICER,
NAGERCOIL, KANYAKUMARI DISTRICT.

4 THE DISTRICT EDUCATIONAL OFFICER,
NAGERCOIL, KANYAKUMARI DISTRICT.

5 THE CORRESPONDENT,
CHRISTIAN WELFARE HIGH SCHOOL ,
THADIKKARANKONAM 629 851, KANYAKUMARI DISTRICT.

... RESPONDENTS in WP(MD) No.13278 & 13279 of 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- 6.

3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
KANYAKUMARI DISTRICT.

4 THE ADDITIONAL ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
MUNCHIRAI RANGE, PUDUKKADAI POST,
KANYAKUMARI DISTRICT.

... RESPONDENTS in WP(MD) No.13280 of 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- 6.

3 THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TUTICORIN, TUTICORIN DISTRICT.

4 THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
UDANGUDI UNION, TUTICORIN DISTRICT.

5 THE CORRESPONDENT,
TNDTA PRIMARY SCHOOL,
POOLIKUDIERUPPU, UDANGUDI UNION,
TUTICORIN DISTRICT. ... RESPONDENTS in WP(MD) No.13286 of 2016

Prayer in WP(MD) No.17999 of 2013:

Writ Petition is filed under Article 226 of the Constitution of India, Praying this Court to issue WRIT OF MANDAMUS directing the 3rd respondent herein to approve forthwith the appointment of petitioner as Tamil Pandit from 16.11.2010 in the 5th respondent school with salary and other attendant benefits, **(*)without insisting pass in " Teacher Eligibility Test"**.

(Prayer Amended as per Court order dated 15.12.2015 by DHPJ)

Prayer in WP(MD) No.22511 of 2015:

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 Na.Ka.No.5419/A2/(E1)2015 dated 25.09.2015 QUASH THE SAME and further DIRECT the 4th respondent herein to approve petitioners appointment as BT Assistant(Mathematics) in the 5th respondent school from 10.06.2013 onwards with salary and other attendant benefits.

Prayer in WP(MD) No.21893 of 2015:

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 AEE0 in O.Mu. 2168/Aa1/2015 dated 16.11.2015 Quash the same, and further Direct the 3rd respondent herein to approve the petitioner s appointment as BT Assistant (Science) in the 5th respondent school w.e.f., 19.07.2013 with salary and other attendant benefits.

Prayer in WP(MD) No.23380 of 2015:

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 O.Mu.No.890/A2/2014 dt.29.04.2014 and the subsequent proceedings issued by the 3rd respondent herein in Na.Ka.No.3170/A5/2014 dated 06.08.2014, quash the same, and further direct the 3rd respondent herein to approve petitioners appointment as Secondary Grade Teacher in the 5th respondent school from 24.08.2012 onwards with salary and other attendant benefits.

Prayer in WP(MD) No.1089 of 2016:

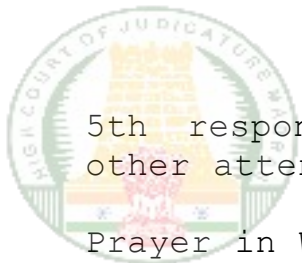
Writ Petition is filed under Article 226 of the Constitution of India, Praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 4th respondent herein in O.Mu.No.5061/A2/2012 dated 06.02.2013 quash the same, and further direct the 4th respondent herein to approve the appointment of S.Lilly Bai as B.T. Assistant (Science) in the petitioner school from 20.06.2011 onwards with salary and other attendant benefits.

Prayer in WP(MD) No.13278 of 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 O.Mu.No.10218/A4/2014 dated 25.06.2014, quash the same, and further Direct the 4th respondent herein to approve the appointment of the petitioner as BT. Assistant (Science) in the 5th respondent-school from 15.10.2013 onwards with salary and other attendant benefits.

Prayer in WP(MD) No.13279 of 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 O.Mu.No.10218/A4/2014 dated 25.06.2014, quash the same, and further Direct the 4th respondent herein to approve the appointment of the petitioner as BT. Assistant (History) in the



5th respondent-school from 01.07.2013 onwards with salary and other attendant benefits.

Prayer in WP(MD) No.13280 of 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 F.Hamlet as Secondary Grade Teacher in the petitioner school from 01.06.2016 onwards with salary and other attendant benefits without insisting pass in Teacher Eligibility Test.

Prayer in WP(MD) No.13286 of 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 herein in O.Mu.No.3508/Aa2/2012 dated 12.12.2012 quash the same and further Direct the 3rd Respondent herein to approve the petitioners appointment as Secondary Grade Teacher in the 5th respondent school w.e.f. 09.11.2011 onwards with salary and other attendant benefits.

For petitioner : Mr.E.V.N.Siva, Advocate
in WP(MD)Nos.17999/2013, 22511,23380/2015
1089, 13278, 13279, 13280 and 13286/2016
: Mr.E.V.N.Siva, Advocate for
M/S.A.Ajith Geethan, Advocate
in WP(MD)Nos.21893/2015 and 13286/2016
For respondents : Mr.V.R.Shanmuganathan
Spl. Govt. Pleader for R1 to R4
In All the cases

: No representation for R5
(In WP 17999/2013, 21893/2015, 23380/2015
13278, 13279, 13286/2016)

COMMON ORDER

Since the issue involved in all the Writ Petitions are one and the same, these matters are taken up together and disposed of, by this common order.

2. When these matters are taken up for hearing, all the parties fairly submitted that although the issue involved in all these Writ Petitions was already decided by the Apex Court, the main issue is still pending. By saying so, Mr.VR.Shanmuganathan, Government Pleader appearing for the official respondents produced an order passed by the Division Bench of this Court made in W.A.(MD).No.220 of 2016 dated 05.02.2016. Following

the order of the Division Bench made in W.A.(MD).No.220 of 2016 dated 05.02.2016, this Court has disposed of the Writ Petition in W.P.(MD).No.17878 of 2015 dated 05.07.2016.

3. At this juncture, it is necessary to extract paragraphs 4 to 8 of the order passed by the Hon'ble Division Bench in **W.A.No.1299 of 2015, dated 14.09.2015**, which are given as under:-

''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.

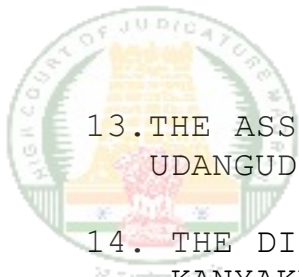
6.Mr.D.Krishnakumar, learned Special Government Pleader (Education) appearing for the appellants fairly submits that the first respondent shall not be terminated during the pendency of the said writ petition being W.P.No.14072 of 2015.

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."

4. In view of the above, all the Writ Petitions stand disposed of, with a direction to the official respondents to grant salary in the course of their employment within a period of two weeks from the date of receipt of a copy of this order and no steps to remove them from service shall be taken. However, it is made clear that these orders are subject to the final outcome of the case pending before the Supreme Court in **Aswini Thanappan Vs. Director of Education and another - (2014) 8 SCC 272.** It is further made clear that the petitioner shall not claim any equity





13. THE ASSISTANT ELEMENTARY EDUCATIONAL OFFICER,
UDANGUDI UNION, TUTICORIN DISTRICT.

14. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
KANYAKUMARI DISTRICT.

15. THE DISTRICT EDUCATIONAL OFFICER,
NAGERCOIL, KANYAKUMARI DISTRICT.

16. THE DISTRICT ELEMENTARY EDUCATIONAL OFFICER,
TUTICORIN, TUTICORIN DISTRICT.

+7CC to Mr.E.V.N.Siva, Advocate Sr.Nos.41491 to 41497
+2CC to M/s.A.Ajith Geethan, Advocate Sr.No.41458, 41459

GJM/PV/30.8.16-9p-26C

W.P(MD) .No.17999 of 2013, 22511, 21893 and 23380 of 2015
1089, 13278, 13279, 13280 and 13286 of 2016
and

M.P(MD)Nos.2, 2 of 2013, 2 and 2 of 2015
W.M.P(MD)Nos.915, 9972 to 9976, 9981, 9982
and 6657 of 2016
02.08.2016