

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2017

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THE HONOURABLE MR.JUSTICE T. RAJA

W.P.No.9356 of 2017

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W.M.P.No.10331 of 2017

Kassimia Higher Secondary School,
Rajaghiri - 614 207
Papanasam Union,
Thanjavur District,
rep. by its Manager,
R.E.M.S.A. Mohamed Kassim

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by its Principal Secretary
to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Thanjavur District,
Thanjavur.
4. The District Educational Officer,
Kumbakonam, Thanjavur District.

... Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing the 1st and 2nd respondents to approve the appointment of teacher Tmt.K. Mangayarkarasi in the post of BT Assistant (History) in the petitioner school from the date of appointment on 02.01.2017 based on the proposal forwarded on 19.01.2017 with all consequential and attendant benefits including payment of arrears of salary with interest, within a time frame to be fixed by this Court.

For Petitioner : Mr.G. Sankaran

For Respondents : Mr.P. Sanjay Gandhi,
Additional Government Pleader (E)

O R D E R

This writ petition is filed for issue of a Writ of Mandamus directing the 1st and 2nd respondents to approve the appointment of teacher Tmt.K. Mangayarkarasi in the post of BT Assistant (History) in the petitioner school from the date of appointment on 02.01.2017 based on the proposal forwarded on 19.01.2017 with all consequential and attendant benefits including payment of arrears of salary with interest, within a time frame to be fixed by this Court.

2. The case of the petitioner is that it is an Aided School receiving grant-in-aid from the State Government. When a vacancy to the post of BT Assistant(History) arose due to transfer, one Tmt. K.Mangayarkarasi was appointed in the said vacancy by order dated 02.01.2017 and she joined the said post on the same day and working as such, till date. Subsequently, when the petitioner school forwarded a proposal to the 4th respondent seeking approval of appointment of the said teacher, namely, Tmt. K. Mangayarkarasi as BT Assistant (History) with effect from 02.01.2017, the same was returned stating that approval can be granted only to the teacher, who has passed the Teachers Eligibility Test (TET). However, according to the petitioner, in a batch of writ petitions filed by teachers appointed in Minority Institutions claiming exemption from TET, this Court, by order dated 24.08.2016, has held that passing of TET cannot be insisted for teachers appointed in Minority Institutions, following the judgment of the Honourable Apex Court rendered in Pramati Educational and Cultural Trust V. Union of India reported in 2014 4 MLJ 486. Further, subsequently, by referring to the order dated 24.01.2017 passed by this Court in a batch of cases, the Director of School Education, issued proceedings in Na.Ka.No. 3416/D1/2013 dated 01.03.2017 with clarification that passing of TET cannot be insisted for teachers appointed in Minority Institutions. Hence, the petitioner has come forward with the present writ petition seeking the above relief.

3. Today, when the writ petition is taken up, Mr.G. Sankaran, learned counsel for the petitioner produced the proceedings of the 4th respondent, namely, The District Educational Officer, Kumbakonam, Thanjavur District, in K:/K/vz;/ 1767-m3-2017 dated 30.05.2017 and submitted that since

the petitioner is a minority educational institution, the approval sought by the petitioner, in respect of the appointment of Tmt.K. Mangayarkarasi, with effect from 02.01.2017, has been granted.

4. Recording the above submission made by the learned counsel for the petitioner, the writ petition is disposed of. No costs. Connected W.M.P. is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary
to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
Thanjavur District,
Thanjavur.
4. The District Educational Officer,
Kumbakonam, Thanjavur District.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.40850

+1cc to the Government Pleader, S.R.No.41022

W.P.No.9356 of 2017

PVS (CO)
CA(22/06/2017)