

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 22.12.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.1609 of 2017
and
C.M.P.No.21023 of 2017

- 1 The Government of Tamil Nadu
Rep by the Addl. 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
Coimbatore Coimbatore District
 - 4 The District Educational Officer
The Office of the District Educational Officer
Coimbatore 641 018 Coimbatore District.
- Appellants
- Versus
- 1 Mrs.N.Reena Daphne
 - 2 The Correspondent
Presentation Convent Girls Higher
Secondary School Coimbatore 641 001.
- Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 31.7.2015 passed in M.P.No.3 of 2015 in W.P.No.6851 of 2015 on the file of this court.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the respondents to pay salary to the petitioner working as B.T.Assistant(His) in presentation convent Girls High Secondary School, Coimbatore 641 001 w.e.f 18.06.2012 pending WP.6851/15

For appellants : Mr.R.Prathapkumar, AGP
For respondent : Mrs.A.Arulmary

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Additional Government Pleader appearing for the appellants and Mrs.A.Arul Mary, learned counsel appearing for the first respondent/writ petitioner.

2. The short point for consideration is whether the qualification of Teachers Eligibility Test can be insisted upon for approval of appointment of Teachers in case of minority educational institution.

3. Such an issue has been resolved in the decision of SECETARY TO GOVERNMENT v. S.JEYALAKSHMI ((2016) 7 MLJ 155), wherein it has been held in para 60 of the judgment, it has been held that the Government cannot insist upon the minority institution, both aided or unaided, to abide by any Regulation framed under the provisions of the RTE Act. Therefore, the view taken by the learned Single Judge in the present proceedings cannot be found fault with. Further, it is brought to our notice that the writ appeal having been filed challenging an interim order, the main writ petition itself has been disposed of. Therefore, the writ appeal is disposed of. No costs. The connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssk.
To:

1 The Additional Chief Secretary to Govt
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
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+1 cc to Govt Pleader sr 92469
+2 ccs to M/s.Arul marry Advocate sr 91936

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