

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.05.2017

CORAM

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

W.P.No.10291 of 2015

And

M.P.Nos.1 to 3 of 2015

S.Nithiya Ramaliya

... Petitioner

Vs.

1. The Director of School Education,
D.P.I. Complex, College Road, Chennai - 600 006.
2. The Chief Educational Officer,
Office of the Chief Educational Officer,
Salem - 636 001.
3. The District Educational Officer,
Office of the District Educational Officer,
Salem - 636 001.
4. The Management, C.S.I. Higher Secondary School,
Attur, Represented by its Correspondent.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the Third Respondent herein to approve the appointment of the petitioner herein in the post of Graduate Assistant (B.T.Assistant) for the Social Science Subject in the Fourth Respondent School with consequential and other benefits, by considering the proposals made by the Fourth Respondent School dated 08.10.2012 & 29.10.2013 along with relevant papers within the specific time limit as fixed by this Hon'ble High Court.

For Petitioners
For Respondents

: Mr.C.Rajasekaran
: Mr.P.Sanjay Gandhi for R1 to R3
Additional Government Pleader
No Appearance for R4

O R D E R

The petitioner seeks writ of mandamus directing the respondents to approve her appointment as Graduate Assistant/B.T.Assistant in Social Science in the fourth respondent School.

2.The petitioner was appointed as Graduate Assistant/B.T.Assistant in the fourth respondent minority aided School. The post was sanctioned on 21.06.2013 by the second respondent and the petitioner was appointed by the School and approval was sought for. The District Educational Officer, Salem/ the third respondent sought for certain clarifications on 12.09.2013. One of the questions raised by the third respondent is that whether the petitioner has completed the Teacher Eligibility Test. The proposals were re-submitted on 29.10.2013 by the School to the third respondent. Thereafter, it appears that no order has been passed by the third respondent.

3.I have heard Mr.C.Rajasekaran, learned counsel appearing for the petitioner who would contend that in view of the judgment of the Hon'ble Division Bench of this Court rendered in The Secretary to Government Vs. S.Jeyalakshmi in W.A.Nos.213 and 572 of 2016 etc. batch, dated 24.08.2016, passing the Teacher Eligibility Test is not an essential qualification for being appointed as Teacher in Minority Institutions.

4.In view of the decision cited supra, the third respondent is directed to consider the proposals in approving the appointment of the petitioner as Graduate Assistant (B.T.Assistant) for the Social Science Subject in the fourth respondent School, without insisting on a pass in the Teacher Eligibility Test. The said exercise shall be completed, within a period of eight weeks from the date of receipt of a copy of this order.

5.The writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are also closed.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

pri

To

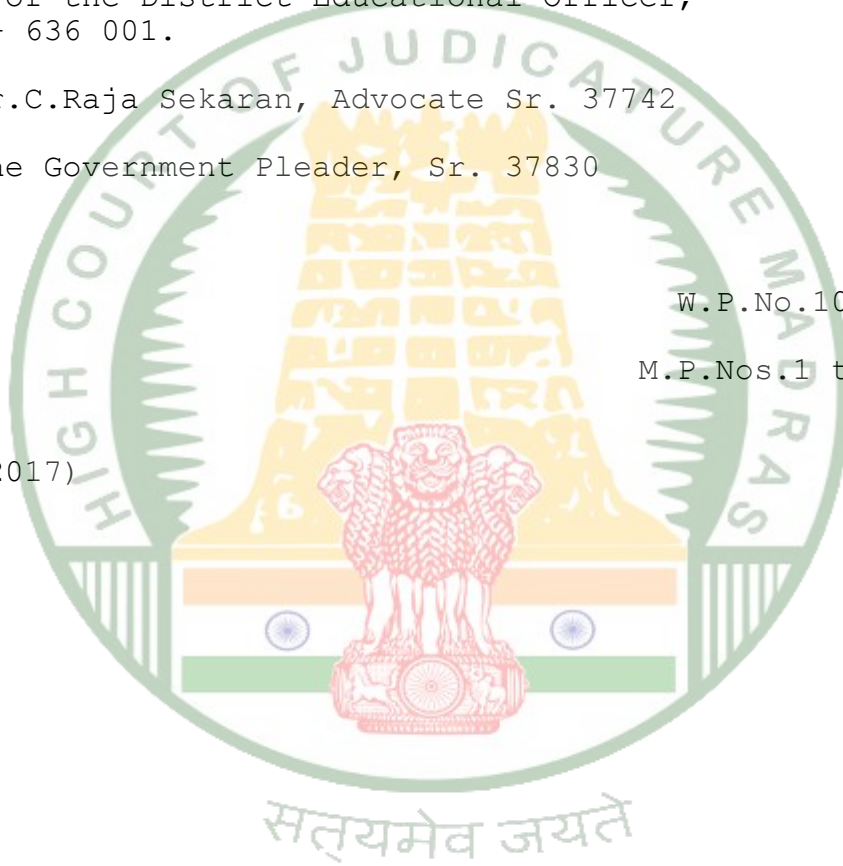
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+1cc to Mr.C.Raja Sekaran, Advocate Sr. 37742

+1cc to the Government Pleader, Sr. 37830

W.P.No.10291 of 2015
And
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sr(CO)
VR(02/06/2017)



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