



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 18.04.2017
CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.(MD) No.1014 of 2014
and
M.P.(MD)No.2 of 2014

- 1.The Director of Elementary School Education,
College Road, Chennai.
- 2.The Joint Director of Elementary School Education,
College Road, Chennai.
- 3.The District Elementary Educational Officer,
Pudukkottai.
- 4.The Assistant Elementary Educational Officer,
Pudukkottai. .. Appellants/Respondents.

-vs-

Little Flower Middle School,
represented by its Correspondent,
Mrs.Rose Lawrence,
Lourdu Nagar,
Pudukkottai.

.. Respondent/Writ Petitioner

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent against the order passed by this Court dated 23.08.2013 in W.P. (MD)NO.8066 of 2012.

Prayer in WP(MD). 8066/ 2012 :

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 of the 3rd respondent made in proceedings in O. Mu. No. 5755/A2/2011 dated 24.04.2012 and quash the same and consequently directing the 3rd respondent herein to approve the appointment of Mr. Vijayalakshmi as B.T. Science Teacher in the petitioner school from 17.09.2010 onwards with all other attendant benefits.

For Appellants : Mr.S.Chandrasekar
Government Advocate

For Respondent : Mr.M.Muthugeethaiyan

J U D G M E N T

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard the learned Government Advocate appearing for the appellants and the learned Counsel appearing for the respondent.

2. The learned Counsel appearing on either side agreed that the identical issue was decided by this Court in W.P.(MD)No.1383 of 2013, dated 04.04.2017. The operative portion of the judgment is as follows:

"2. It is submitted by the learned counsel on either side that the issue involved in the writ petition, in W.P.(MD) No.11957 of 2013, is squarely covered by the decision in **A.Firdose Begum v. The Secretary to Government, School Education Department**, in **W.P.Nos.14072 of 2015** etc., batch, dated 22.09.2016. In the said decision, the Division Bench allowed the similar batch of writ petitions with a direction to the Government to release the salary of the Teachers / petitioners therein.

3. At this juncture, it would be beneficial to refer the operative portion of the said order, which reads as follows:

"60. In the light of the above, we are of the view 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, we hold that G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011, issued by the Government of Tamil Nadu, is not applicable to the minority institutions. Similarly, G.O.Ms.No.76, dated 18.03.2015, issued by the Government of Puducherry, is also not applicable to the minority institutions.

61. Though the intention of the Government is that there should not be any discrimination among the Teachers working in non-minority Schools and minority Schools with respect to qualification and that there should be uniformity in the teaching imparted to the children, in view of the decision of the Apex Court in *Pramati Educational & Cultural Trust*, the Government cannot take shelter under the guise of discrimination to impose restrictions on minority institutions.

62. However, keeping in mind the larger interest in which the Government has issued the above G.Os., this Court feels that the minority institutions may also consider conducting a refresher course and also some interactive sessions to all the Teachers during annual vacation, in order to ensure and improve the quality of Teachers.



63. In the result, the writ petitions are allowed and the writ appeals are dismissed with a direction to the Government to release the salary of the Teachers and also to pay the arrears of salary within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs. Consequently, connected M.Ps., are closed."

4. Since the issue involved in this matter is covered by the aforesaid decision in **A.Firdose Begum** (cited supra), we have called for the writ petition, in W.P.(MD) No.11957 of 2013, to be heard and disposed of along with this appeal and the same is also being disposed of accordingly.

5. In the light of the above discussions, the writ appeal in W.A.No.1383 of 2013 preferred by the Government is dismissed and following the decision in **A.Firdose Begum** (cited supra), the writ petition, in W.P.(MD) No.11957 of 2013 is allowed as prayed for. No costs. Consequently, connected miscellaneous petitions are closed."

3. In the light of the above discussions, the writ appeal in W.A.No.1014 of 2014 preferred by the Government is dismissed and following the decision in **A.Firdose Begum** (cited supra), the writ petition, in W.P.(MD) No.8066 of 2012 is allowed as prayed for. No Costs. Consequently connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar

+1cc to Mr.D.Srinivasa Raghavan, Advocate, SR.52607

+1cc to M/S THE SPECIAL GOVERNMENT PLEADER, SR.NO. 52763

W.A. (MD) No.1014 of 2014
18.04.2017

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