



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) .No.5842 of 2017

T.Kavitha

.. Petitioner

Vs.

1. The District Elementary Educational Officer,
Tirunelveli District.

2. The Assistant Elementary Educational Officer,
Radhapuram Union
Tirunelveli District.

3. The Correspondent,
St.Xavier Middle School,
Avudaiyalpuram,
Tirunelveli District.

.. Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 2nd respondent in his proceedings in Na.Ka.No.186/A2/2017 dated 27.03.2017 and quash the same and direct the 1st and 2nd respondents to approve the appointment of the petitioner as a B.T.Assistant from the date of appointment i.e.21.03.2017 with all the consequential benefits.

For Petitioner : Mr. V.Panneer Selvam

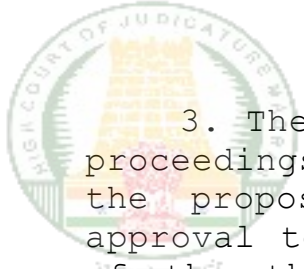
For Respondents : Mr. N.S.Karthikeyan

Additional Government Pleader

ORDER

The Writ Petition has been filed to call for the records pertaining to the order passed by the 2nd respondent in his proceedings in Na.Ka.No.186/A2/2017 dated 27.03.2017 and to quash the same and to direct the respondents 1 & 2 to approve the appointment of the petitioner as a B.T.Assistant from the date of her appointment i.e.21.03.2017 with all the consequential benefits.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the



3. The impugned order challenged in this writ petition is the proceedings, dated 27.03.2017, of the second respondent, returning the proposal submitted by the third respondent for granting approval to the appointment of the petitioner as a teaching staff of the third respondent school. The reason for returning the proposal submitted by the third respondent is that the petitioner was appointed after 23.08.2010 and therefore granting approval for the appointment of the petitioner as a teaching staff as the petitioner cannot be considered, as she has not passed TET.

4. The Honourable Supreme Court in the case of Pramati Educational & Cultural Trust and other Vs. Union of India and others reported in (2014) 4 MLJ 486 (SC) the Hon'ble Supreme Court has held that the RTE Act 2009 is not applicable to the Minority institutions. The Apex Court has also held that the direction of the NCET regarding qualification of TET for the recruitment of teacher cannot be insisted in the case of the minority institution. Following the judgment of the Hon'ble Supreme Court, this Court has allowed several writ petitions incases where the refusal to grant approval to the appointment of teachers were challenged.

5. In line with the judgments of this Court in the earlier writ petitions, this court is inclined to allow the Writ Petition and the same is allowed. The impugned order passed by the second respondent is set aside and the first respondent is directed to accord approval to the appointment of petitioner as B.T.Assistant from the date of her appointment, with all consequential benefits, within a period of four weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(P & A)

/True Copy/

Sub Assistant Registrar

To

1. The District Elementary Educational Officer,
Tirunelveli District.

2. The Assistant Elementary Educational Officer,
Radhapuram Union,
Tirunelveli District.

+1cc to Mr. V. PANNEERSELVAM, Advocate, SR.No.52737

W.P. (MD) .No.5842 of 2017
18.04.2017