



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.04.2017

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD) .No.6459 of 2017

and

W.M.P (MD) No.5079 of 2017

Agnel Salette

.. Petitioner

Vs.

1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai - 9.

2.The Director of School Education,
College Road, DPI Campus,
Chennai.

3.The District Elementary Educational Officer,
Thoothukudi.

4.The Correspondent,
R.C. Schools,
Kayathar,
Thoothukudi District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to grant approval to the petitioner's appointment as Secondary Grade Teacher in the fourth respondent minority aided school.

For Petitioner	: Mr.D.Venkatesh
For Respondents	: Mr.J.Gunaseelan Muthiah
	Government Advocate

O R D E R

This Writ Petition has been filed for issuance of a Writ of Mandamus directing the respondents 1 to 3 to grant approval to the petitioner's appointment as Secondary Grade Teacher in the fourth respondent minority aided school.



2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents 1 to 3.

3. The learned counsel for the petitioner submitted that the petitioner was appointed as Second Grade Teacher in the fourth respondent school on 14.06.2011 and she joined duty on 17.06.2011. The fourth respondent / correspondent of the school submitted a proposal to the third respondent for approval of appointment of the petitioner. The third respondent has not granted any approval on the ground that the petitioner did not secure required marks in the Teacher Eligibility Test. First of all, the fourth respondent school is a minority school. Hence, the requirement of Teacher Eligibility Test cannot be insisted in respect of any teaching posts in the fourth respondent school.

4. The learned Government Advocate appearing for the respondents 1 to 3 fairly conceded the factual position and the legal aspects covered by various judgments of this Court.

5. In the above circumstances, this Court is inclined to allow the Writ Petition and accordingly, this Writ Petition is allowed. The third respondent is directed to grant approval to the petitioner's appointment as Secondary Grade Teacher with effect from the date of her appointment namely 17.06.2011 and consequently, grant all other monetary benefits to the petitioner within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected W.M.P.(MD) No.5079 f 2017 is closed.

Sd/-

ASSISTANT REGISTRAR

/TRUE COPY/

SUB ASSISTANT REGISTRAR

To

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai - 9.

2. The Director of School Education,
College Road, DPI Campus,
Chennai.

3. The District Elementary Educational Officer,
Thoothukudi.

+1 CC TO MR.D.VENKATESH, ADVOCATE, SR NO.54817
SRM/RM
MAS/MR:05.05.2017:2P-5C