



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 15.06.2017
CORAM:

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

W.A. (MD) No.719 of 2017
and
C.M.P. (MD) No.5483 of 2017

1. The Government of Tamilnadu
Rep. by it Additional Chief Secretary
Department of School Education
Fort St.George, Chennai - 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
Madurai District
4. The District Educational Officer
The Office of the The District Educational Officer
Madurai District ... Appellants/ Respondents 1 to 4

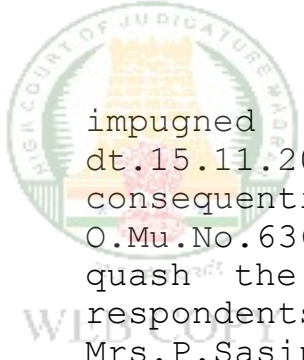
-vs-

1. P.Sasintharani
Union Christian Higher Secondary School (T.E.L.C)
Madurai - 625 001
2. The Correspondent
Union Christian Higher Secondary School (T.E.L.C)
Madurai - 625 001 ... Respondents/ Petitioner and
5th Respondent

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 19.08.2016, made in W.P.(MD) No.14453 of 2016, on the file of this Court.

Prayer in WP(MD). 14453/ 2016 :

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 pertaining to the



impugned G.O.Ms.No.181, School Education (C2) Department dt.15.11.2011, on the file of the 1st respondent, the consequential proceedings dated 07.11.2013 in O.Mu.No.6364/AA2/2013, on the file of the 4th respondent, and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Mrs.P.Sasintharani, as (History) in Union Christian Higher Secondary School, Madurai-625 001 with effect from 22.08.2013 with all service benefits.

For Appellants : Mr.V.R.Shanmuganathan
Special Government Pleader
For Respondents : Mr.T.Cibi Chakraborty for R1

J U D G M E N T

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

Heard Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the appellants, Mr.T.Cibi Chakraborty, learned counsel appearing for the first respondent and perused the materials placed on record.

2. This writ appeal by the Government is directed against the order, dated 19.08.2016, made in W.P.(MD) No.14453 of 2016, which was filed challenging the Government Order, in G.O.(Ms) No.181, School Education (C2) Department, dated 15.11.2011, passed by the first appellant.

3. Two issues arise for consideration, namely, as to whether the appellant - Department could insist upon that the first respondent should have passed Teachers Eligibility Test (T.E.T.) and the second issue is with regard to staff fixation.

4. It is not the dispute that the first issue has been answered by the Honourable Supreme Court holding that T.E.T., qualification cannot be insisted upon in respect of the Minority Institutions. Therefore, the first issue is held in favour of the first respondent.

5. With regard to the second issue of staff fixation is concerned, it would suffice to direct the Headmaster of the second respondent - School to produce the staff fixation order before the fourth appellant namely, the District Educational Officer, Madurai, who shall consider the same and pass appropriate orders.

6. Accordingly, while affirming the impugned order passed by the writ court, we direct the Headmaster of the second respondent - School to produce the staff fixation order before the fourth



appellant, namely, the District Educational Officer, Madurai, within a period of two weeks from the date of receipt of a copy of this Judgment and on receipt of the same, the fourth appellant shall consider the same and pass appropriate orders in accordance with law, within a period of four weeks thereafter.

7. With the above observations, the writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

/True copy/

Sub Assistant Registrar

To:

- 1.The Additional Chief Secretary,
Department of School Education,
Fort St.George, Chennai.
- 2.The Director of School Education,
DPI Campus, College Road, Chennai.
- 3.The Chief Educational Officer,
The office of the Chief Educational Officer,
Madurai District.
- 4.The District Educational Officer,
Office of the District Educational Officer,
Madurai District.

IA/KRK

PSM/SKN-RSK/SAR1/27.06.2017/3P/5C

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