

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 14.08.2018

CORAM

THE HONOURABLE DR. JUSTICE S.VIMALA

W.P. NO. 20917 OF 2018

AND

W.M.P. NOS. 24560 & 24561 OF 2018

Mubashira Anjum R

.. Petitioner

- Vs -

1. The Secretary to the Government
School Education Dept.
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
2. The Director of Elementary Education
College Road, DPI Campus
Chennai 600 006.
3. The Chief Educational Officer
Vellore 632 004, Vellore Dt.
4. The District Educational Officer
Vaniyambadi 635 751, Vellore Dt.
5. The Block Educational Officer
Pernambut 635 810, Vellore Dt.
6. The Manager & Correspondent
Islamiah Jama-ath Aided Primary School
Nariyambut 635 808, Vellore Dt.

.. Respondents

Writ petition 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 District Elementary Educational Officer, presently 4th respondent herein (vide G.O. Ms. No.101 dated 18.05.2018 School Education (Budget-1) Department) in his Return Order A.Thi.Mu.No.427/A2/2017 dated 03.05.2018 and to direct the respondents to grant approval of the petitioner's appointment as Secondary Grade Assistant Teacher in the 6th respondent minority aided school with all monetary and service benefits from the date of her appointment.

For Petitioner : Ms. G.Devi, for Mr. V.Raghupathi

For Respondents: Ms.P.Kavitha, GA (Edn.)
1 to 5

ORDER

The petitioner was appointed as Secondary Grade Assistant Teacher in the 6th respondent minority school in the vacant post caused on account of the promotion of V.Akbar Basha as Head Master.

2. On 23.1.2017, the 6th respondent sent a proposal to the Assistant Elementary Educational Officer, who forwarded the said proposal to the 4th respondent herein, viz., The District Educational Officer. The 4th respondent returned the proposal stating that the petitioner is not qualified in TET Examination. Aggrieved by the said order, the present writ petition has been filed by the petitioner seeking a direction to the respondents to grant approval to the petitioner's appointment as Secondary Grade Assistant Teacher in the 6th respondent minority aided school.

3. It is the contention of the petitioner that the 6th respondent school, being a minority educational institution, the respondents have no right to compel the teachers to get qualified in TET examination for being appointed as Secondary Grade Assistants. In support of the said submission, learned counsel for the petitioner relied on the judgment of the Division Bench of this Court in The Secretary to Government of T.N. & Ors. - Vs - S.Jeyalakshmi (W.A. No.213 of 2016, etc., Batch - Dated - 24.08.2016).

4. This Court heard the learned Government Advocate (Education) on the above contentions.

5. As rightly pointed out by the petitioner, the issue involved in this petition is directly covered by the decision rendered by the Division Bench of this Court in Jeyalakshmi's case (supra). In the light of the legal proposition laid down by the Division Bench in Jeyalakshmi's case (supra), the 4th respondent ought to have considered the case of the petitioner positively.

6. In view of the ratio laid down in Jeyalakshmi's case (supra), the impugned order passed by the 4th respondent dated 3.5.2018 is set aside and the matter is remanded back to the 4th respondent for fresh consideration in the light of the decision rendered by this Court in Jeyalakshmi's case (supra). Such exercise shall be completed within a period of 4 weeks from the date of receipt of copy of the order.

7. This writ petition is disposed of with the aforesaid direction. Consequently, connected miscellaneous petitions are closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Secretary to the Government
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5. The Block Educational Officer
Pernambut 635 810, Vellore Dt.

+1cc to Mr.Mr. V.Raghupathi, Advocate, S.R.No.56626
+1cc to the Government Pleader, S.R.No.56418

सत्यमेव जयते

W.P. NO.20917 OF 2018

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