

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 24.1.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.160 of 2018
and
C.M.P.No.899 of 2018

1. The Government of Tamil Nadu,
rep. by the Additional Chief Secretary,
Department of School Education,
Fort St. George, Madras 600 009.
 2. The Director of School Education,
D P I Campus, College Road,
Chennai 600 006.
 3. The District Elementary Educational Officer,
The Office of the District Elementary
Educational Officer, Villupuram,
Villupuram District 605 602.
 4. The Additional Asst. Elementary Educational
Officer,
The Office of the Additional Assistant
Elementary Educational Officer,
Chinnasalem, Villupuram District 606 201.
- Appellants/Respondents 1 to 4

Versus

1. Mrs.A.Santhi Victoria
 2. The Correspondent,
D.M.Middle School,
Chinnasalem 606 201.
Villupuram District.
- Respondents/Petitioner/5th Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 31.7.2015 passed in M.P.No.3 of 2014 in W.P.No.32862 of 2014 on the file of this court.

Prayer in MP.3/14 IN WP.32862/14: Petition filed Under Article 226 of the Constitution of India praying to direct the respondents to pay salary prospectively to the petitioner working as B.T.Asst. (Maths) in D.M.Middle School, Chinnasalem-606 201, Villupuram Dt., w.e.f. 8.3.2012, WP prayer to issue a writ of certiorarified mandamus Calling for the records pertaining to the impugned G.O.(Ms) No.181, School Education (C2) Department, dated 15.11.2011, on the file of the 1st respondent and the consequential proceedings dated 6.12.2014 in O.Mu. No.420/AA4/2012 on the file of the 3rd respondent and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Mrs.A.Santhi Victoria, as B.T.Asst. (Maths) in D.M.Middle School, Chinnasalem-606 201, Villupuram Dt., w.e.f. 8.3.2012

For appellants : Mr.K.Karthikeyan, Government Advocate

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Government Advocate appearing for the appellants.

2. As against the interim order passed by the learned Single Judge directing the appellants to give temporary approval to the appointment of the writ petitioner in the post of B.T. Assistant (Mathematics) and to pay salary till the disposal of the writ petition, the appeal is filed by the State on the ground that TET examination has not been passed by the candidate.

3. In similar circumstances, a Division Bench of this court, referring to Articles 29 and 30 of the Constitution of India, held that RTE Act, based on which TET qualification is considered as prescribed one for granting approval of the appointment, is not binding on the minority institutions. Moreover, the order under challenge in the present writ appeal being an interim one, the main writ petition had been disposed of by 20.10.2016 itself. In that view of the matter, the appeal does not survive for consideration. Accordingly, it is dismissed. No costs. The connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-VIII)

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Sub Assistant Registrar

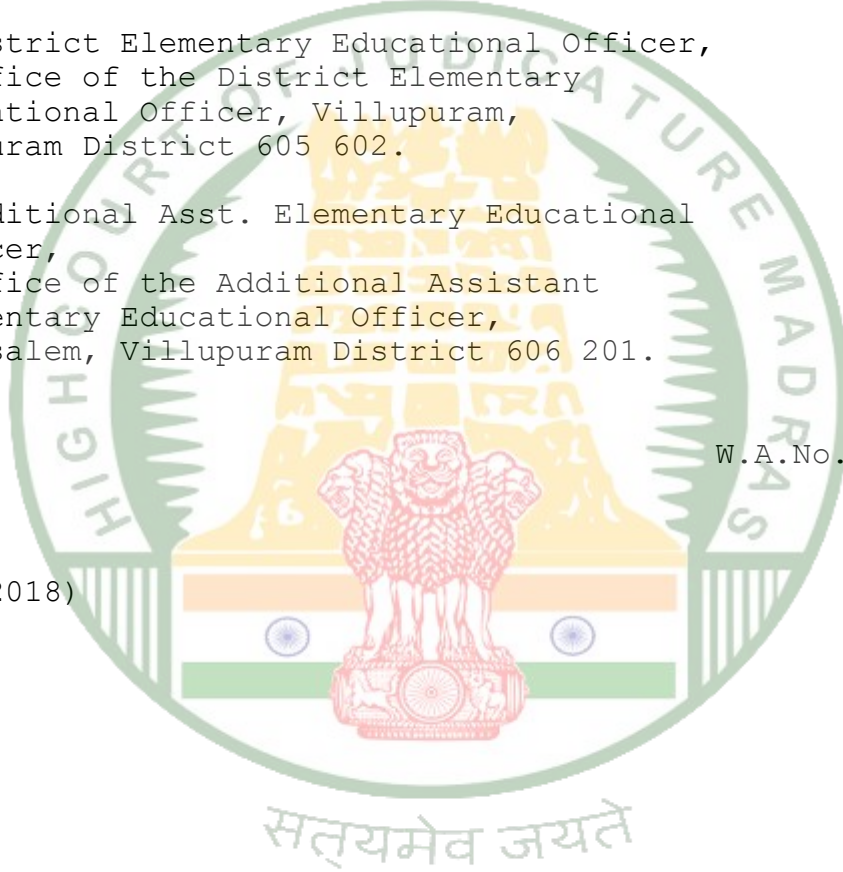
ssk.

To:

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