

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3.8.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.1668 of 2018
and
C.M.P.No.13413 of 2018

- 1 THE GOVERNMENT OF TAMIL NADU
REP BY THE ADDL.CHIEF SECRETARY
DEPARTMENT OF SCHOOL EDUCATION (C2)
FORT ST. GEORGE
MADRAS-600009
 - 2 THE DIRECTOR OF SCHOOL EDUCATION
DPI CAMPUS COLLEGE ROAD
CHENNAI-600006
 - 3 THE CHIEF EDUCATIONAL OFFICER
THE OFFICE OF THE CHIEF
EDUCATIONAL OFFICER
PANAGAL BUILDING SAIDAPET
CHENNAI-600015
 - 4 THE DISTRICT EDUCATIONAL
OFFICER
THE OFFICE OF THE DISTRICT EDUCATIONAL
OFFICER
CHENNAI CENTRAL GOVT. MODEL HIGHER
SEC. SCHOOL CAMPUS
SAIDAPET CHENNAI-15
- Appellants/Respondents

Vs

- 1 M.ANANDA MARY ..Respondent/Writ Petitioner
- 2 THE CORRESPONDENT
SANTHOME HIGHER SECONDARY SCHOOL
NO.143 SANTHOME HIGH ROAD
CHENNAI-600004 ..2nd Respondent/5th Respondent

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 10.7.2015 passed in M.P.No.3 of 2015 in W.P.No.20722 of 2015 on the file of this court.

Prayer in M.P.No.3 of 2015 in W.P.No.20722 of 2015:Writ Petition praying to direct the respondents to pay salary to the petitioner working as B.T.Assistant (Social Sciences) in Santhome Higher Secondary School, 143, Santhome High Road, Chennai 4 w.e.f no. 6.6.2012 by granting temporary approval(in M.P.No.3 of 2015 in W.P.No.20722/2015)pending disposal of the above Writ Petition.

W.P.No.20722 of 2015:Writ Petition praying to issue a Writ of Certiorarified Mandamus or any other appropriate writ or order or direction in the nature of a Writ 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 24.12.2012 in Mu.Mu. No.2706/AA1/2012 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. M.Ananda Mary as B.T. Asst. (Social Science) in Santhome Higher Secondary School 143 Santhome High Road Chennai-4 w.e.f. 06.06.2012 with all service benefits and pass such further or other orders as it may deem fit and proper in the circumstances of the case and thus render justice.

For appellant : Mr.C.Munusamy,
Special Government Pleader

For R1 : Dr.Fr.Xavier Arulraj,
Senior Counsel for
Ms.Arul Mary

JUDGMENT

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

Heard the learned Special Government Pleader appearing for the appellants and Dr.Fr.Xavier Arulraj, learned Senior Counsel on behalf of the first respondent herein.

2. The writ appeal is filed by the State challenging the interim order passed by the learned Single Judge in directing the appellants to pay salary prospectively to the first respondent, who is working as B.T .Assistant (Social Science) in the second respondent School with effect from 6.6.2012 by granting temporary approval pending disposal of the writ petition.

3. The issue revolves around the approval of appointment of Teachers who did not qualify themselves with Teacher Eligibility Test. The issue has already been settled by the decision of a Division Bench of this court in W.A.No.213 and 572 of 2016 by holding that the Government cannot insist upon the minority institution, both aided or unaided, to abide by any Regulation

framed under the provisions of the RTE Act. It is also brought to the notice of this court, the main writ petition also ended already in favour of the first respondent herein and approval has also been granted by the Government for the appointment of the first respondent herein.

4. In view of the above, we are of the view that nothing survives for consideration in the writ appeal, and accordingly, the same is disposed of. No costs. The connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CS VII)

True Copy

Sub-Assistant Registrar

ssk.

To:

- 1 THE ADDL.CHIEF SECRETARY
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+2 Ccs to Father Dr.Fr.Xavier Arulraj, Advocate sr 53767.

W.A.No.1668 of 2018

MR(CO)
SP(14/09/2018)