

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.1669 of 2018
and
C.M.P.No.13414 of 2018

- 1 THE GOVERNMENT OF TAMIL NADU
REP BY THE ADDL.CHIEF SECRETARY
DEPARTMENT OF SCHOOL EDUCATION
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 NILGIRIS
NILGIRIS DISTRICT.
 - 4 THE DISTRICT EDUCATIONAL
OFFICER
THE OFFICE OF THE DISTRICT EDUCATIONAL
OFFICER
COONOOR, NILGIRIS DISTRICT 643 102.
- ...Appellants/Respondents

Vs

- 1 SR.AMALORPAVA MARY
 - 2 THE CORRESPONDENT
ST. MARY'S HIGHER SECONDARY SCHOOL,
COONOOR, NILGIRIS 643 102.
- ..Respondents/Petitioner

Prayer: Writ Appeal filed filed under Clause 15 of the Letters Patent against the order dated 31.7.2015 passed in M.P.No.3 of 2015 in W.P.No.6843 of 2015 on the file of this court.

W.P.No.6843 of 2015:

This Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus to Call 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 28.11.2013 in A.D.Mu. No.5576/A2/2013 on the file of the 4th respondent and quash the same in respect of the petitioner and consequently directing the respondents to approve the appointment of the petitioner Sr.Amalorpava Mary as B.T. Assistant (Maths) in St.Marys Hr. Sec. School Coonoor Nilgiris-643 102 w.e.f. 26.6.2013 with all service benefits.

For appellants : 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 (Maths) in the second respondent School with effect from 26.6.2013 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. It 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
THE GOVERNMENT OF TAMIL NADU
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+2 Ccs to Dr.Fr.Xavier associates sr 53766.

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