

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.8.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH, ACJ
AND
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.A.No.1732 of 2018
and
C.M.P.No.13833 of 2018

- 1 The Government of Tamil Nadu,
Rep by the 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
Vellore Vellore District.
 - 4 The District Educational Officer
The Office of the District
Educational Officer
Vellore Vellore District
- ..Appellants/Respondents

Versus

- 1 Sr.Sabina Jose
 - 2 The Correspondent
L.F.C. Girls Hr. Sec. School
Ranipet
Vellore District 632 401
- ..Respondents/Petitioner
5th respondents

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.31385 of 2014 on the file of this court.

Praying in M.P.No.3 of 2014: Petitioner praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the respondents to pay salary prospectively to the petitioner working as B.T.Assist. (Sci.) in L.F.C. Girls Hr. Sec. School, Ranipet, Vellore Dt.632 401, w.e.f. 8.7.2011, pending disposal of W.P.No.31385/2014.

WP.No.31385 of 2014:

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to direct the respondents to pay salary prospectively to the petitioner working as B.T.Assist.(Sci.) in L.F.C. Girls Hr.Sec. School, Ranipet, Vellore District 632 401, w.e.f 8.7.2011 pending disposal of W.P.NO.31385 of 2014.

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

JUDGMENT

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

Heard the learned Special Government Pleader 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 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, in SECRETARY TO GOVERNMENT v. S.JEYALAKSHMI ((2016) 7 MLJ 155), 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 itself had been disposed of subsequently. In that view of the matter, the writ appeal does not survive for consideration. Accordingly, it is dismissed as having become infructuous. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
सत्यमेव जयते

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssk.

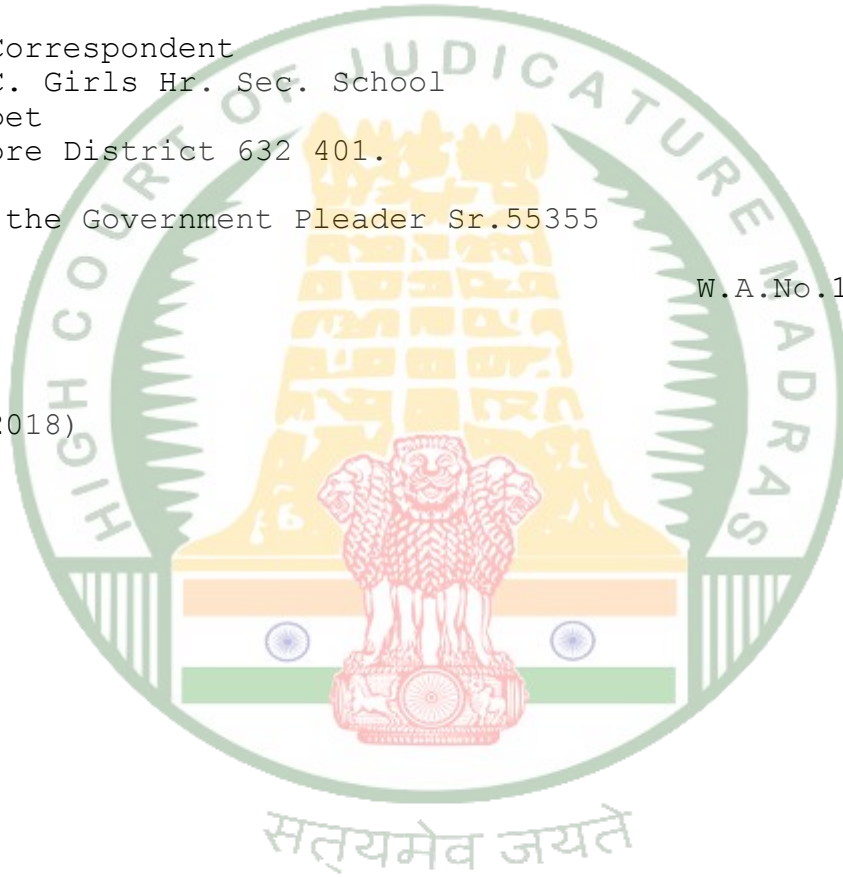
To:

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 - 5 The Correspondent
L.F.C. Girls Hr. Sec. School
Ranipet
Vellore District 632 401.
- + 1 cc to the Government Pleader Sr.55355

W.A.No.1732 of 2018

NMI (CO)
EU (03/10/2018)



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