

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.8.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

W.A.No.1784 of 2018
and
C.M.P.No.14462 of 2018

- 1 The Government of Tamil Nadu
Rep. by its Addl. Chief Secretary
Department of School Education (C2)
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
Panagal Building Saidapet
Chennai-600 015.
 - 4 District Educational Officer
The Office of the District Educational
Officer
Chennai Central
Government Model Higher
Secondary School Campus
Saidapet Chennai-600 015. ... Appellants/
Respondents 1 to 4
- Versus

- 1 Mrs. B.Sophia Lavinia ...1st Respondents/Writ Petitioner
- 2 The Correspondent
CSI St. Ebba Girls Higher Secondary School
No.109 Dr.Radhakrishnan Road Mylapore
Chennai-600 004.
...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.2 of 2015 in W.P.No.20721 of 2015 on the file of this court.

Prayer in W.P.No.20721 of 2015:

Petition filed Under Article 226 of Constitution of India it is humbly prayed that this Hon'ble Court may be pleased 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 22.08.2013 in A.Thi.Mu. No.4039/AA2/12 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. B.Sophia Lavinia appointed as B.T. Asst. (Maths) in CSI St. Ebba Girls Higher Secondary School, 196 , Peters Road, Royapettah, Chennai-14 w.e.f. 13.06.2012 with all service benefits.

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

For R1 : Dr.Fr.A.Xavier Arulraj

JUDGMENT

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

Heard the learned Government Advocate appearing for the parties.

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 appeal does not survive for consideration. Accordingly, it is dismissed as having become infructuous. No costs. The connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Addl. Chief Secretary
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+1cc to M/S.Father Xavier Associates, Advocate Sr.57830

+1cc to the Government Pleader Sr.58344

W.A.No.1784 of 2018

sj[co]
srg 8/10/2018