

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 3.9.2018

CORAM

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

W.A.No.1785 of 2018
and
C.M.P.No.14463 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 Chief Educational Officer,
The Office of the Chief Educational Officer,
Tiruppur,
Tiruppur District.
 4. The District Educational Officer,
The Office of the District Educational Officer,
Tiruppur, Tiruppur District 641 601.
- Appellants/1 to4 Respondent/
1 to 4 respondents

Versus

1. Sr.M.Princy ...Respondent/Petitioner/Petitioner
2. The Correspondent,
St.Aloysius Girls Higher Secondary School,
Dharapuram,
Tiruppur District 638 656. ...2nd Respondent/5th Respondent/
5th Respondent

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.6855 of 2015 on the file of this court.

MP.No.3 of 2015: Pleased to direct the respondents to pay salary to the petitioner working as B.T. Assistant(Science) in St.Aloysius Girls Hr.Secondary School, Dharapuram, Tiruppur District 638 656 w.e.f. 13.06.2012.

WP.No.6855 of 2015:filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus or any other appropriate infor 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 dt 17.3.2013 in O.Mu.No.4667/A3/2012 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.M.Princy as B.T. Assistant (Sci.) in St. Aloysius Girls Hr. Sec. School Dharapuram Tiruppur District 638 656 w.e.f. 13.6.2012 with all service benefits

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

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 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 II)

//True Copy//

Sub Assistant Registrar

ssk.

To:

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 Chief Educational Officer,
The Office of the Chief Educational Officer,
Tiruppur,
Tiruppur District.
4. The District Educational Officer,
The Office of the District Educational Officer,
Tiruppur, Tiruppur District 641 601.

+1 cc to Government Pleader sr 60858

W.A.No.1785 of 2018

aa15/10/2018

WEB COPY