

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.1792 of 2018
and
C.M.P.No.14543 of 2018

- 1 The Government of Tamil Nadu
Rep. by The Addl. Chief Secretary
Department of School Education (C2)
Fort St. George Madras-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 1st Floor
Saidapet Chennai-6000 015.
 - 4 The District Educational Officer
The Office of the District Educational
Officer Saidapet
Chennai-15.
- ... Appellants

Versus

- 1 SR.Famini
 - 2 The Correspondent
Sacred Heart Girls High School
Church Park
Chennai-600 006.
- ... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 23.4.2015 passed in M.P.No.3 of 2015 in W.P.No.11930 of 2015 on the file of this court.

M.P.No.3 of 2015 W.P.No.11930 of 2015

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 to the Petitioner working as B.T Asst.(English) in salved Heart Girls High School, Church Park, Chennai-6 w.e.f.11/06/2013 by temporary approval.

For appellants : Mr.C.Munusamy,
Special Government Pleader
For R1 : Dr.Fr.A.Xavier Arulraj S.C for
M/S.Father Xavier Associates

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 VIII)

//True Copy//

Sub Assistant Registrar

ssk.

To:

- 1 The Government of Tamil Nadu
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Chennai-15.

+1cc to Mr.Father Xavier Associates, Advocate, S.R.No.57829

+1cc to the Government Pleader, S.R.No.58345

W.A.No.1792 of 2018

PA(CO)
GSP(04/10/2018)



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