

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 25.9.2018

CORAM

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

W.A.No.2039 of 2018
and
C.M.P.No.16084 of 2018

1. The Government of Tamil Nadu,
rep. by the Additional Chief Secretary,
The Department of School Education (C2)
Fort St. George, Madras 600 009.
 2. The Director of Elementary Education,
D P I Campus, College Road,
Chennai 600 006.
 3. The District Elementary Educational Officer,
Villupuram, Villupuram District.
 4. The Assistant Elementary Educational Officer,
Chinnasalem 606 201
Villupuram District.
- Appellants/Respondents 1 to 4/
Respondents 1 to 4

Versus

1. Mrs.L.Vimala Vinnarasi ...Respondent/Petitioner/
Petitioner
 2. The Correspondent,
R.C.Primary School, Olgaiyanallur Pukkiravari (Via)
Kallakurichi Taluk,
Villupuram District 606 2014.
 3. The Manager,
R.C.Primary and Middle Schools
St.Marys Church Campus
(Cuddalore & Villupuram)
Cuddalore 607 001.
- Respondents/Respondents 5 & 6/
Respondents 5 & 6

Prayer: Writ Appeal filed filed under Clause 15 of the Letters
Patent against the order dated 27.4.2015 passed in M.P.No.3 of
2015 in W.P.No.12569 of 2015 on the file of this court.

Direct the respondent to continue to pay salary to the petitioner working as secondary grade teacher in R.C.Primary School, Pukkiravari, via Kallakurichi Taluk, Villupuram District 606 204, w.e.f 20.9.2011 based on the approval accorded on 24.02.2015 without reference to the condition completing TET Exam pending disposal of writ petition.

Prayer in WP.No.12569/2015: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 24.2.2015 in Na.Ka. No.801/AA4/2013 on the file of the 3rd respondent in so far as it imposes an illegal condition to complete TET Exam on or before 31.3.2015 and quash the same in respect of the petitioner directing the respondents to accord permanent approval to the appointment of the petitioner Mrs.L. Vimala Vinnarasi as Secondary Grade Teacher in R.C. Primary School Pukkiravari Via Kallakurichi Taluk Villupuram Dist 606 204 w.e.f. 20.9.2011 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 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. 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 VI)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Additional Chief Secretary,
The Department of School Education (C2)
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6. The Manager,
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St.Marys Church Campus
(Cuddalore & Villupuram)
Cuddalore 607 001.

+lcc to Gvoernment Pleader SR.NO.66622

MR(CO)

sm:1.11.2018

सत्यमेव जयते

W.A.No.2039 of 2018

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