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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2018

CORAM:

THE HONOURABLE Mr. JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE Mrs. JUSTICE R.THARANI

**C.M.P. (MD) No.2483 of 2018
in W.A. (MD) No.SR9568 of 2018**

The Secretary,
Rama Palanivelamsamy Middle School,
Bodi-Meenatchipuram-625 582,
Theni District.

... Petitioner in M.P. & Appellant
sought to be preferred W.A S.R.

Vs.

1. The State of Tamil Nadu
Rep. by the Secretary,
School Education Department,
Fort St.George, Chennai-600 009.
2. The Director of School Education,
College Road, Chennai-600 006.
3. The District Elementary Educational Officer,
District Elementary Education Office, Theni District.
4. The Assistant Elementary Educational Officer,
Bodinaickanur, Theni District. ... Respondents in M.P. & S.R.

PRAYER in C.M.P. (MD) No.2483 of 2018 : Petition filed under Section 5 of Limitation Act to condone the delay of 912 days in filing this Writ Appeal and take on the same on the file.

PRAYER in W.A. (MD) No.SR9568 of 2018 : Petition filed under Clause 15 of Letters Patent to set aside the order dated 06.08.2015 passed in W.P.(MD) No.13978 of 2015 on the file of this Court and allow this Writ Appeal.

Prayer in WP(MD). 13978/ 2015 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To pass a Writ of Mandamus, or any other order, or direction, more in the form of Writ, directing the respondents to give temporary approval for the appointee Neelambigai, for the maths graduate teacher, as she is otherwise qualified for the post, as there is no exams were held for the TET, subject to a condition to pass the TET exam, within a time frame as by giving an undertaking by the appointee Neelambigai



For Petitioner (in M.P. & S.R.) : Mr.F.X.Eugene

For Respondents (in M.P. & S.R.) : Mr.V.R.Shanmuganathan,
Spl.G.P.

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ORDER

(Order of the Court was delivered by T.S.SIVAGNANAM,J.)

Heard Mr.F.X.Eugene, learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

2. There is a delay of 912 days in filing the writ appeal. Though we find that the explanation is not satisfactory we have heard the learned counsel for the petitioner on merits of the case.

3. The request of the petitioner was to direct the respondents department to approve the appointment of a Maths Teacher, who did not possess Teacher Eligibility Test qualification. The petitioner institution being a non-minority institution cannot appoint a Teacher, who does not have TET qualification.

4. Therefore, we find there is no merit in this writ appeal. Hence, we are not inclined to condone the delay. Therefore, we dismiss the petition filed to condone the delay in filing the writ appeal. Consequently, the Writ Appeal in W.A.(MD)No.SR9568 of 2018 is rejected in the S.R. stage itself.

5. The dismissal of this petition will not stand in the way of the said Teacher and then the petitioner/Management is entitled to appear before the respondents / Department for necessary relief.

Sd/-
Assistant Registrar(CS-I)

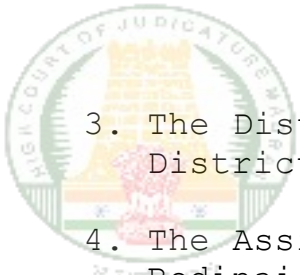
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Sub Assistant Registrar

To

1. The Secretary,
School Education Department,
Fort St.George, Chennai-600 009.

2. The Director of School Education,
<https://hcservices.ecourts.gov.in/hcservices/>
College Road, Chennai-600 006.



3. The District Elementary Educational Officer,
District Elementary Education Office, Theni District.

4. The Assistant Elementary Educational Officer,
Bodinaickanur, Theni District.

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+ 1 cc TO M/S.F.X.Eugene , Advocate in SR No. 55599

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AE/JC/SAR2/23.04.2018/3P/6C

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in
W.A. (MD) No.SR9568 of 2018
15.03.2018