



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.01.2018

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.32 of 2018

and

W.M.P. (MD) .No.26 of 2018

Iruthaya Amali

... Petitioner

Vs.

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-9.

2. The Director of School Education,
College Road, DPI Campus,
Chennai.

3. The Assistant Elementary Educational Officer,
Kovilpatti, Thoothukudi District.

4. The Correspondent,
St.Inigo Primary School,
Venkatachalapuram Village,
Ettayapuram Taluk,
Thoothukudi District.

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 3 to grant approval to the petitioner's appointment as Secondary Grade Teacher in the fourth respondent minority aided school with effect from 09.06.2017.

For Petitioner : Mr.D.Venkatesh

For Respondents : Mr.J.Gunaseelan Muthiah
1 to 3 Additional Government Pleader

ORDER

Heard Mr.D.Venkatesh, learned Counsel, appearing for the petitioner and Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, appearing for the respondent 1 to 3.



2. By consent of both the parties, the main writ petition is taken up for final disposal.

3. The petitioner was appointed as a Secondary Grade Teacher in the fourth respondent school with effect from 09.06.2017. The petitioner was appointed only in a sanctioned post. The fourth respondent school is a minority aided institution. But the third respondent has not passed any order on the proposal made by the fourth respondent till date. When the third respondent was approached in person, it appears that the third respondent took a stand that approval will not be issued, the petitioner had not cleared Teacher Eligibility Test. The fourth respondent school is a minority educational institution. As on date, the said issue is still pending adjudication. The third respondent can very well grant approval to the petitioner's appointment subject to the outcome of the said proceedings.

4. The learned Additional Government Pleader appearing for the respondents submitted that the writ petitioner's appointment is only in respect of a sanctioned post.

5. In these circumstances, this Court directs the third respondent to grant approval to the petitioner's appointment as a Secondary Grade Teacher in the fourth respondent school with effect from 09.06.2017 and consequently grant all monetary benefits to the petitioner within a period of six weeks from the date of receipt of a copy of this order. The third respondent shall incorporate a condition that the order granting approval will be subject to the outcome of the litigation pertaining to the requirement to obtain TET by Teachers working in minority educational institutions.

6. The Writ Petition stands allowed accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai-9.

<https://hccourtsgovindia.com>
2. The Director of School Education,
College Road, DPI Campus,
Chennai.



3.The Assistant Elementary Educational Officer,
Kovilpatti, Thoothukudi District.

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