



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2018

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) .No.6339 of 2018

T.Vinoliya

...Petitioner

Vs.

1.The Director of School Education,
DPI, Campus, College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Dindigul District, Dindigul.

3.The District Elementary Educational Officer,
O/o.the District Elementary Educational Office,
Dindigul District, Dindigul.

4.The Assistant Elementary Educational Officer,
Kodaikanal, Dindigul District,
Dindigul.

5.The Correspondent,
CSI Primary School,
Perumalmalai, Dindigul District.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in proceeding No.A.thi.Mu.52/A1/18 dated 09.02.2018 passed by the 4th respondent and quash the same and consequently, direct the respondents 3 and 4 to approve the appointment of the petitioner as Secondary Grade Teacher in the 5th respondent school with effect from 12.07.2017, with all consequential benefits.

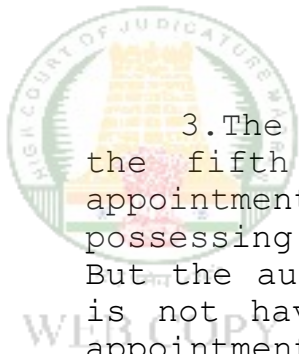
For Petitioner	:	M/s.C.Fernadas Rathinaraja
For R1 to R4	:	Mr.J.Gunaseelan Muthiah Additional Government Pleader.

ORDER

Mr.J.Gunaseelan Muthiah, learned Additional Government Pleader, takes notice for the respondents 1 to 4.

<https://hcservices.ecourts.gov.in/hcservices/>

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



3.The petitioner was appointed as a Secondary Grade Teacher in the fifth respondent school with effect from 12.07.2017. The appointment was in respect of a sanctioned post. The petitioner is possessing the educational qualifications prescribed in the statute. But the authority declined to grant approval on the ground that she is not having Teacher Eligibility Test qualification. Since the appointment has been made by a minority institution, the question of possessing Teacher Eligibility Test cannot arise.

4.The issue on hand is no longer res integra. It is covered by the decision taken by the Hon'ble Division Bench of this Court reported in (2016) 7 MLJ 155-(Secretary to Government, Government of Tamil Nadu, Education Department and others Vs. S.Jayalakshmi and another), which held as follows:-

"We are of the view that the Government cannot insist upon the minority institution, both aided or unaided, to abide by any regulation framed under the provisions of the RTE Act. Therefore, we hold that G.O.(Ms).No.181, School Education (C2) Department, dated 15.11.2011 issued by the Government of Tamil Nadu, is not applicable to the minority institutions. Similarly, G.O.(Ms).No.76, dated 18.03.2015 issued by the Government of Puducherry, is also not applicable to the minority institutions."

5.The order impugned in the Writ Petition is therefore quashed. The third respondent is directed to approve the petitioner's appointment and disburse the grant in aid towards salary and other benefits within a period of four weeks from the date of receipt of a copy of this order.

6.The Writ Petition is allowed accordingly. No costs.

Sd/-
Assistant Registrar (AS)

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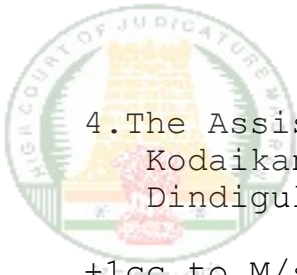
Sub Assistant Registrar

To

1.The Director of School Education,
DPI, Campus, College Road,
Chennai-600 006.

2.The Chief Educational Officer,
Dindigul District, Dindigul.

3.The District Elementary Educational Officer,
O/o the District Elementary Educational Office,
Dindigul District, Dindigul.



4.The Assistant Elementary Educational Officer,
Kodaikanal, Dindigul District,
Dindigul.

+1cc to M/s.C.Fernadas Rathinaraja, Advocate, SR.No.57751.

+1cc to Special Government Pleader, SR.No.57935.

ORDER MADE IN
W.P. (MD) .No.6339 of 2018
23.03.2018

tsg

RAM/SV MMS/SAR 2/04.06.2018/3P/7C