



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2018

CORAM:

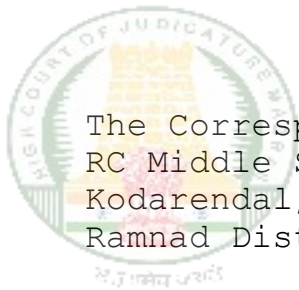
THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM  
AND  
THE HONOURABLE MRS.JUSTICE R.THARANI

W.A.(MD)Nos.409 to 411 of 2018  
and C.M.P.(MD) No.2474 in W.A.(MD) No.409 of 2018, C.M.P.(MD)  
Nos.2475 and 2476 of 2018 in W.A.(MD) No.410 of 2018 and C.M.P.  
Nos.2477 and 2478 of 2018 in W.A.(MD) No.411 of 2018

- 1.The State of Tamil Nadu,  
Rep. by its Secretary,  
Department of School Education,  
Fort St. George, Chennai - 9.
  - 2.The Director of Elementary School Education,  
College Road, Chennai.
  - 3.The District Elementary Educational Officer,  
Ramnad District. : Appellants 1 to 3/ Respondents 1 to 3  
in all the appeals
- The Assistant Elementary Educational Officer,  
Thurupullani,  
Ramnad District. : 4<sup>th</sup> Appellant/4<sup>th</sup> Respondent in  
W.A.(MD) No.409 of 2018
- The Additional Assistant Elementary Educational Officer,  
Thiruvadanai,  
Ramnad District. : 4<sup>th</sup> Appellant/4<sup>th</sup> Respondent in  
W.A.(MD) No.410 of 2018
- The Additional Assistant Elementary Educational Officer,  
Muthukulathur,  
Ramnad District. : 4<sup>th</sup> Appellant/4<sup>th</sup> Respondent in  
W.A.(MD) No.411 of 2018

Vs.

- The Correspondent,  
Sacred Heart RC Primary School,  
Kilakarai,  
Ramnad District. : Respondent/petitioner  
in W.A.(MD) No.409/2018
- The Correspondent,  
St. Mary's Middle School,  
Orikottai - 630 303,  
Ramnad District. : Respondent/petitioner  
in W.A.(MD) No.410/2018



The Correspondent,  
RC Middle School,  
Kodarendal, Ulaiyur Post,  
Ramnad District.

: Respondent/petitioner  
in W.A.(MD) No.411/2018

COMMON PRAYER: Writ Appeals are filed under clause 15 of the Letters Patent, against the common order of this Court dated 29.04.2013 in M.P.(MD) Nos.2, 2 and 2 of 2013 in W.P.(MD) Nos.6417, 6420 and 7341 of 2013 respectively.

Prayer in MP(MD). 2/ 2013 in WP(MD).6417/2013 :

To grant an Ad Interim Orders, directing the 3rd respondent District Elementary Educational Officer to approve forthwith the appointment of A. Arulanandam as Secondary Grade Teacher in the petitioner school w.e.f. the date of his appointment on 04.07.2012 with all attendant benefits within a reasonable time as may be prescribed by this Honourable Court, within a condition that he should pass the Teachers Eligibility Test within 5 years from the date of appointment.

Prayer in WP(MD). 6417/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Proceedings issued by the 4th respondent Assistant Elementary Educational Officer in A. Thi. Mu.No.1835/A1/2012, dated 20.07.2012, quash the same and further direct the 3rd respondent District Elementary Educational Officer to approve forthwith the appointment of A. Arulanandam as Secondary Grade Teacher in the petitioner school w.e.f. the date of his appointment on 04.07.2012 with all attendant benefits including the arrears of salary and allowance.

Prayer in MP(MD). 2/ 2013 in WP(MD).6420/2013 :

To grant an Ad Interim Orders, directing the 3rd respondent District Elementary Educational Officer to approve the appointment of A. Alexander as BT Assistant in Maths in the petitioner school w.e.f. the date of his appointment on 23.01.2013 with all attendant benefits within a reasonable time as may be prescribed by this Honourable Court with a condition that he should pass the Teachers Eligibility Test within 5 years from the date of appointment.

Prayer in WP(MD). 6420/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Proceedings issued by the 4th respondent Assistant Elementary Educational Officer in A. Thi. Mu.No.161/A2/2013, dated 04.03.2013, quash the same and further direct the 3rd respondent District Elementary Educational Officer to approve forthwith the appointment of A. Alexander as BT Assistant in Maths in the



petitioner school w.e.f. the date of his appointment on 23.01.2013 with all attendant benefits including the arrears of salary and allowance.

Prayer in MP(MD). 2/ 2013 in WP(MD).7341/2013 :

Directing the 3rd respondent District Elementary Educational Officer to approve the appointment of Rev.Sr.S.Sahaya Baby Kamala as Secondary Grade teacher in the petitioner school w.e.f. the date of her appointment on 27.6.12 with all attendant benefits within a reasonable time as may be prescribed by this Honble Court with a condition that she should pass the Teachers Eligibility Test within 5 years from the date of appointment.

Prayer in WP(MD). 7341/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Calling for the records relating to the impugned proceedings issued by the 3rd respondent District Elementary Educational Officer in O.Mu.No.3040/Aa4/2012 dt.04.1.2013, quash the same and further direct the 3rd respondent District Elementary Educational Officer to approve forthwith the appointment of Rev.Sr.S.Sahaya Baby Kamala as Secondary Grade Teacher in the petitioner school w.e.f. the date of her appointment on 27.6.12 with all attendant benefits including the arrears of salary and allowance.

For Appellant in all the  
appeals

: Mr.VR.Shanmuganathan  
Special Government Pleader

#### COMMON JUDGMENT

[Judgment of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.VR.Shanmuganathan, learned Special Government Pleader appearing for the appellants in these writ appeals.

2.These Writ Appeals are directed against the interim orders passed in the writ petitions, whereby the Writ Court directed the authorities to give temporary approval to the teachers appointed in the respondent schools without insisting TET.

3.The legal issue has been settled by the Hon'ble Supreme Court that the Government cannot insist for TET in respect of teachers employed in minority institutions. Therefore, no grounds have been made out to interfere with the orders passed by the Writ Court.

4.Hence, these Writ Appeals are dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/



To

1. The Secretary,  
Department of School Education,  
State of Tamil Nadu,  
Fort St. George, Chennai - 9.
2. The Director of Elementary School Education,  
College Road, Chennai.
3. The District Elementary Educational Officer,  
Ramanath District.
4. The Assistant Elementary Educational Officer,  
Thirupullani,  
Ramanath District.
5. The Additional Assistant Elementary Educational Officer,  
Thiruvadanai,  
Ramanath District.
6. The Additional Assistant Elementary Educational Officer,  
Muthukulathur,  
Ramanath District.

ORDER MADE IN  
W.A. (MD) Nos. 409 to 411 of 2018  
and C.M.P. (MD) No. 2474 in W.A. (MD) No. 409 of 2018, C.M.P. (MD)  
Nos. 2475 and 2476 of 2018 in W.A. (MD) No. 410 of 2018 and C.M.P.  
Nos. 2477 and 2478 of 2018 in W.A. (MD) No. 411 of 2018  
Dated: 08.03.2018

sj

JM/KKR/SAR 3/18.04.2018/4P/7C