

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 27.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P (MD) No.10421 of 2019**

M.Vasanthal

... Petitioner

vs.

1.The State of Tamil Nadu,
rep.by its Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.The Director of School Education,
College Road, Chennai - 600 006.

3.The Chief Educational Officer,
Ramnad, Ramnad District.

4.The District Educational Officer,
Paramakudi, Ramnad District.

5.The Correspondent,
Sacred Heart Higher Secondary School,
Thiruvarangam - 623 712,
Ramanathapuram District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the 4th respondent/District Educational Officer to open Service Register and to release annual increments admissible to the petitioner in the post of BT Assistant (Science) in the fifth respondent School, namely, Sacred Heart Higher Secondary School, Thiruvarangam, with all other attendant benefits by considering the representation submitted by the School, dated 05.05.2018.

For Petitioner : Mr.M.J.Shabu Jose

For RR 1 to 4 : Mrs.S.Srimathy,
Special Government Pleader.**ORDER**

<https://hcservices.courts.gov.in/hcservices/>
This writ petition has been filed seeking a direction to the third respondent/District Educational Officer to open Service



Register and to release annual increments admissible to the petitioner in the post of BT Assistant (Science) in the fifth respondent School, namely, Sacred Heart Higher Secondary School, Thiruvaramangam, with all other attendant benefits by considering the representation submitted by the School, dated 05.05.2018.

2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader for the respondents 1 to 4.

3. The learned counsel appearing for the petitioner submitted that the petitioner was appointed as a Secondary Grade Teacher in the fifth respondent-school and seeking approval of the petitioner, the fifth respondent-school submitted a proposal to the fourth respondent. But, the fourth respondent returned the proposal stating that the petitioner did not possess Teachers Eligibility Test (TET) qualification, which is not applicable to the fifth respondent-school.

4. The learned counsel appearing for the petitioner further submitted that pursuant to the order passed by the Division Bench of this Court in W.A.Nos.213 of 2016 and batch cases, in which, it is held that TET is not applicable to the teachers appointed in Minority Educational Institution, the fifth respondent-School submitted a detailed representation to the third respondent on 05.05.2018 seeking to approve the appointment of the petitioner; open Service Register and also to release annual increments admissible to the petitioner. Since the same has not been considered so far, the petitioner has filed the present Writ Petition.

5. The learned counsel appearing for the petitioner also submitted that the issue involved in this writ petition is squarely covered by the earlier order of this Court in ***The Manager and Correspondent, Carpenter Street Middle School, Gopalsamy Street, Tuticorin, Tuticorin District - 628 001 Vs. The State of Tamil Nadu, rep.by its Secretary, Department of School Education, Fort St. George, Chennai - 600 009 [W.P(MD)No.12876 of 2017, decided on 12.07.2017]*** and prayed for passing similar orders in this writ petition also. It would be useful to refer to the operative portion of the said order, which reads as follows:-

"5. When it is well settled legal position that in the matters of appointment of teachers in a minority educational institution, the teachers can be appointed even without passing the Teachers Eligibility Test, the present impugned order directing the petitioner minority school to enclose the certificate of pass in Teachers Eligibility Test by the Secondary Grade Teacher Tmt.E.Mispa Georgina, is wholly unsustainable. Therefore, the same is set aside and the second respondent is hereby directed to forward the proposal sent by the petitioner-



school to the third respondent. On receipt of the same, the third respondent is directed to consider the said proposal and pass appropriate orders on the said proposal, within a period of four weeks therefrom."

6. The learned Special Government Pleader appearing for the respondents 1 to 4 fairly conceded the submissions made on the petitioner's side.

7. Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side and following the aforesaid order, the fourth respondent is directed to consider the proposal submitted by the fifth respondent-School and pass appropriate orders on the said proposal, within a period of four weeks from the date of receipt of a copy of this order.

8. The Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary,
Rep. by the State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
College Road, Chennai - 600 006.
3. The Chief Educational Officer,
Ramnad, Ramnad District.
4. The District Educational Officer,
Paramakudi, Ramnad District.
5. The Correspondent,
Sacred Heart Higher Secondary School,
Thiruvarangam - 623 712,
Ramanathapuram District.



+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-63903[F] dated 29/04/2019)

+1 CC to M/s.SPL GP (SR-64052[F] dated 29/04/2019)

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