



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:29.04.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) Nos.10948 & 10949 of 2019

and

W.M.P. (MD) Nos.8372 & 8373 of 2019

W.P(MD) No.10948 of 2019

Revathy

... Petitioner

vs.

1.The Director of School Education,
DPI Compound,
College Road,
Chennai.

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

3.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

4.The Correspondent,
West Tirunelveli Higher Secondary School,
Nallur,
Tirunelveli 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 passed by the third respondent in O.Mu.No.2116/M2/2018 dated 12.07.2018 and quash the same as illegal in so far as petitioners concerned and consequently direct the second & third respondent to approve the petitioner's appointment proposal dated 05.07.2018 and confer all other service benefits such as yearly increments, incentives, earn leave, arrears of salary from the date of appointment (ie.24.07.2017).

W.P(MD) No.10949 of 2019:

Manimozhi Gnana Rani

... Petitioner

vs.

1.The Director of School Education,
DPI Compound,
College Road,
Chennai.



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

3.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

4.The Correspondent,
West Tirunelveli Higher Secondary School,
Nallur,
Tirunelveli 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 passed by the third respondent in O.Mu.No.2116/M2/2018 dated 12.07.2018 and quash the same as illegal and consequently direct the second & third respondent to approve the petitioner's appointment proposal dated 05.07.2018 and confer all other service benefits such as yearly increments, incentives, earn leave, arrears of salary from the date of appointment (ie.24.07.2017).

(In both W.Ps)

For Petitioner : Mr.S.Chellapandian

For Respondents: Mrs.S.Srimathy
Special Government Pleader
for R1 to R3

COMMON ORDER

These writ petitions have been filed seeking issuance of a writ of Certiorarified Mandamus, to quash the impugned orders passed by the third respondent, dated 12.07.2018 respectively and consequently direct the second and third respondents to approve the petitioners' appointment proposal and confer all other service benefits such as yearly increments, incentives, earn leave and arrears of salary from the date of their appointments.

2.Heard the learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents 1 to 3.

3. The case of the petitioners is that the fourth respondent School is a recognized minority aided school and the petitioners were appointed as B.T.Assistants in the fourth respondent School, in the sanctioned posts. As such, the fourth respondent sent the proposals for appointment to the third respondent for approval, but the same have been kept pending so for non-compliance of TET



qualification. Hence, the writ petitioners are before this Court with the above said prayer.

4. The learned counsel appearing for the petitioners and the learned Special Government Pleader appearing for the respondents submitted that in similar circumstances, this Court, by order, dated 26.07.2018 in W.P(MD)No.16428 of 2018, at paragraph Nos.7 and 8 held as follows:-

"7. In this case also, the petitioner was appointed in the fourth respondent School, which is admittedly a recognised minority aided School. The appointment also has been made within the sanctioned strength and the petitioner claimed that, he is having every qualification to hold the post. When that being the position, as no other reason has been given in the impugned order, except the reason of TET qualification, that too, citing the reason that, no guidelines given by the first respondent/Director to the lower level approving authorities to approve such appointment without TET qualification, this Court is of the firm view that the impugned order cannot be sustained and it is liable to be quashed.

8. In the result:-

(i) the impugned order is quashed and the Writ Petition is allowed;

(ii) the matter is remitted back to the respondents, especially, the second respondent, who shall pass necessary orders with regard to the grant of approval to the petitioner's appointment, as no other impediment has been cited in the impugned order, except the guidelines to be issued by the Director for making approval of the Teachers, who have been appointed in the minority aided School without TET qualification;

(iii) Such orders of approval shall be passed within a period of four weeks from the date of receipt of a copy of this order; and

(iv) It is needless to mention that, once the approval is given, the petitioner is entitled to get all service and monetary benefits, as per the eligibility and the same shall also be paid to the petitioner forthwith."

5. Following the same, these Writ Petitions stand disposed of in similar line. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (AD-II)

/TRUE COPY/

Sub Assistant Registrar (CS)



To

1.The Director of School Education,
DPI Compound,
College Road,
Chennai.

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

3.The District Educational Officer,
Cheranmahadevi,
Tirunelveli District.

4.The Correspondent,
West Tirunelveli Higher Secondary School,
Nallur, Tirunelveli District.

+1 CC to M/s.S.CHELLA PANDIAN, Advocate (SR-63948[F] dated
29/04/2019)

+1 CC to M/s.SPL GP (SR-65051[F] dated 02/05/2019)

**W.P (MD) Nos.10948 & 10949 of 2019
and
W.M.P. (MD) Nos.8372 & 8373 of 2019
29.04.2019**

CS: 23/05/2019/4P/7C