



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:10.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD)No.8519 of 2019

and

W.M.P.(MD)No.6659 of 2019

Aided Muslim Committee Primary School,
Represented by it's Correspondent,
S.Sheik Shajakhan Sithik

... Petitioner

vs.

1.The Director of Elementary Education,
O/o.the Director of Elementary Education,
D.P.I. Complex,
Chennai - 600 006.

2.The District Educational Officer,
O/o.the District Educational Office,
Cheranmahadevi,
Ambasamudram Taluk,
Tirunelveli District.

3.The Block Educational Officer,
O/o.the Block Educational Office,
Ambasamudram Taluk,
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 issued by the second respondent in his impugned proceedings in ந.க.எண்..4622/ஆ2/2018 dated 01.02.2019 and quash the same as illegal so far as in relates to Clause 4 of the impugned order is concerned and consequentially to direct the second respondent to consider the proposal of the petitioner's school for the appointment of one Mrs.M.Sabhna Asmi Fathima as Secondary Grade Teacher without reference to the TET qualification.

For Petitioner	: Mr.A.Mohammed Imran for M/s.Ajmal Associates
For Respondents	: Mrs.S.Srimathy Special Government Pleader

**ORDER**

The Writ Petition is filed seeking to quash Clause 4 of the order issued by the second respondent in his proceedings in ந.க.எண்..4622/ஆ2/2018 dated 01.02.2019 and consequentially direct the second respondent to consider the proposal of the petitioner's school, for appointment of one M.Sabhna Asmi Fathima as Secondary Grade Teacher without reference to the TET qualification.

2. Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader, who takes notice for the respondents. By consent, the Writ Petition is taken up for disposal at the stage of admission itself.

3. The learned Counsel appearing for the petitioner submitted that the proposal dated 04.12.2018 seeking approval of the appointment of one M.Sabhna Asmi Fathima as Secondary Grade Teacher was returned by the second respondent vide the impugned proceedings dated 01.02.2019. According to the learned Counsel, TET is not applicable to the minority Institutions. However, without considering the same, the second respondent has passed the impugned order. Hence, he prays for appropriate direction to the second respondent.

4. The learned Special Government Pleader appearing for the respondents fairly submitted that the impugned order in respect of Clause 4 alone, may be set aside and the matter may be remitted back to the second respondent for passing afresh order.

5. Considering the facts and circumstances of the case and in view of the submissions made by the learned Counsel on either side, the impugned order in respect of Clause 4 alone is set aside and the matter is remitted back to the second respondent for fresh consideration on merits, within a period of six weeks from the date of receipt of a copy of this order.

6. Accordingly, the Writ Petition stands disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T & P)

// True Copy //

Sub Assistant Registrar (CS)

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To

1. The Director of Elementary Education,
O/o. the Director of Elementary Education,
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3. The Block Educational Officer,
O/o. the Block Educational Office,
Ambasamudram Taluk,
Tirunelveli District.

+1CC TO MR. AJMAL ASSO., Advocate Sr. No. 60345

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 60617

W.P (MD) No. 8519 of 2019

and

W.M.P. (MD) No. 6659 of 2019

10.04.2019

TR (27.04.2019) 3P 6C