



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.10.2019

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WEB COPY

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)Nos.15330 to 15332 of 2019

Arulmurugan	... Petitioner in W.P(MD)No.15330 of 2019
Usha Vincent Sulochana	... Petitioner in W.P(MD)No.15531 of 2019
Velmurugan	... Petitioner in W.P(MD)No.15532 of 2019

.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,
Sankarankovil Educational District,
Tirunelveli.

4.The Correspondent,
Seeniyammal High School,
Sinthamani, Puliyangudi,
Tirunelveli District

... Respondents in
all the Writ Petitions

PRAYER in all the W.Ps.:- These Writ Petitions have been filed under Article 226 of the Constitution of India praying to issue Writs of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the third respondent in A.Thi.Mu.No.1976/M5/2019, dated 14.06.2019, quash the same as illegal and consequently, direct the respondents 2 and 3 to approve the petitioner's appointment proposal, dated 09.05.2019 and confer all other service benefits, such as, yearly increments, incentives, earn leave, arrears of salary from the date of appointment of the petitioners, i.e., 25.10.2017, 01.02.2011 and 25.10.2017 respectively.

For Petitioners :Mr.S.Chellapandian
(in all the W.Ps.)

For R1 to R3 : Mr.M.Karuppasamy
(in all the W.Ps.) Government Advocate



COMMON ORDER

These Writ Petitions have been filed seeking to quash the impugned proceedings of the third respondent in A.Thi.Mu.No.1976/M5/2019, dated 14.06.2019, and a consequential direction to the respondents 2 and 3 to approve the petitioners' appointment proposal, dated 09.05.2019 and confer all other service benefits, such as, yearly increments, incentives, earn leave, arrears of salary from the date of appointment of the petitioners, i.e., 25.10.2017, 01.02.2011 and 25.10.2017 respectively.

2.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. Assistant in the fourth respondent School, in the sanctioned posts. As such, the fourth respondent sent the proposals for approval of the appointment of the petitioner to the third respondent, but the same have been kept pending so far, for non-compliance of TET qualification. Hence, the petitioners are before this Court with the above said prayer.

3.The learned counsel appearing for the petitioners 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, has held as follows:-

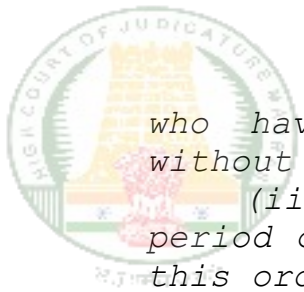
'7.In this case also, the petitioner was appointed in the fourth respondent School, which is admittedly a recognised minority aided School. The appointment also has been made within the sanctioned strength and the petitioner claimed that, he is having every qualification to hold the post. When that being 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

secured 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.''

4.This Court is of the view that the aforesaid order holds good in favour of the petitioners herein, as they were appointed in the fourth respondent school, which is admittedly a recognised minority aided school; the appointments have also been made within the sanctioned strength; the petitioners claimed that they are having the required qualification to hold the said posts; and no other reason has been given in the impugned order, except for non-possession of TET qualification.

5.Hence, these Writ Petitions stand allowed in line with the aforesaid order dated 26.07.2018, in W.P.(MD)No.16428 of 2018. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

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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,
Sankarankovil Educational District
Tirunelveli

+1 CC to SPL GP (SR-94275[F] dated 24/10/2019)

+2 CC to Mr.S.CHELLAPANDIAN, Advocate(SR-94208[F] dated 24/10/2019)

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