



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD) No.25232 of 2018**

A.Usha Juliet Daisy

... Petitioner

vs.

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

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

3.The Block Educational Officer,
Radhapuram,
Tirunelveli District.

4.The Correspondent,
St.Aloysius Middle School,
T.Kallikulam,
Tirunelveli District.

... Respondents

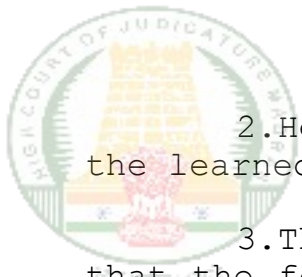
Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent herein in Na.Ka.No.423 / Aa2 / 2017 dated 15/11/2018 and quash the same and further direct the 2nd respondent herein to approve the petitioner's appointment as BT Assistant (Tamil) in the 4th respondent school w.e.f. the date of appointment viz. 23/06/2017 with salary and attendant benefits.

For Petitioner : Mr.A.Ajith Geethan

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

ORDER

This writ petition has been filed to quash the impugned proceedings of the third respondent dated 15.11.2018 and direct the second respondent to approve the appointment of the petitioner as BT Assistant (Tamil) in the fourth respondent school with all attendant benefits.



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

3. The learned counsel appearing for the petitioner submitted that the fourth respondent school has appointed the petitioner as a BT Assistant (Tamil) and seeking approval of appointment of the petitioner, the fourth respondent school submitted a proposal to the second respondent on 13.11.2017 through the third respondent. The third respondent, without forwarding the proposal to the second respondent, passed the impugned order dated 15.11.2018, denying approval to the appointment for want of pass in Teachers Eligibility Test (TET). Further, it is stated in the impugned order that there are surplus teachers working in other schools under the same management. Challenging the same, this writ petition has been filed.

4. The learned Counsel for the petitioner further 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 order 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."

5. The learned Special Government Pleader appearing for the respondents 1 to 3 has no serious objection for granting such relief to the petitioner, in the light of the earlier order of this Court.

6. In view of the above, (earlier order of this Court cited supra) the impugned order of the third respondent dated 15.11.2018 is set aside and the third respondent is hereby directed to forward the proposal sent by the fourth respondent school to the second respondent. On receipt of the same, the second respondent is directed to consider the said proposal and pass appropriate orders, within a period of four weeks from the date of receipt of the said proposal.



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7.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

Sub Assistant Registrar(CS)

To

- 1.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 2.The District Educational Officer,
Vallioor, Tirunelveli District.
- 3.The Block Educational Officer,
Radhapuram, Tirunelveli.

+1 CC to M/s.A.AJITHI GEETHAN, Advocate in SR-56182

W.P(MD) No.25232 of 2018

mj

PK/12.04.2019 : 3P/5C