



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. (MD) No. 318 of 2016

and

W.M.P. (MD) Nos. 245 & 246 of 2016

Saraswathi Issac Primary School,
Causekeeper Thoppu,
Papanasam Mills,
Rep. by its Secretary,
Jeyasigamani, S/o. Maraiselvam,
Tirunelveli District.

.. Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai.

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

3. The District Elementary Educational Officer,
Tirunelveli Education District,
Tirunelveli.

4. The Assistant Elementary Educational Officer,
Ambasamudram,
Tirunelveli District.

.. Respondents

Prayer: Petition is filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned rejection order passed by the fourth respondent, in O.Mu.No.1199/B1/2013, dated 03.03.2014, quash the same and consequently, direct the second respondent to approve the appointment proposal dated 26.04.2013.

For Petitioner

: Mr.S.Chellapandian

For Respondents

: Mrs.S.Srimathy

Special Government Pleader

ORDER

This Writ Petition has been filed seeking to quash the impugned rejection order passed by the fourth respondent, in O.Mu.No.1199/B1/2013, dated 03.03.2014, and consequently, direct the second respondent to approve the appointment proposal dated 26.04.2013.



2. According to the learned counsel appearing for the petitioner, the petitioner institution is a minority institution and one P.Bright was appointed as Headmaster of the said institution. On 26.04.2013, the petitioner has submitted a proposal to educational authorities to approve the appointment of the said P.Bright as Headmaster and the same was rejected on the ground that he did not possess TET qualification and hence, the petitioner has filed the present Writ Petition seeking the relief stated supra.

3. The learned counsel appearing for the petitioner submitted that this Court, by order dated 07.01.2016, in W.M.P.(MD)No.246 of 2016 in W.P.(MD)No.318 of 2016, directed the respondents to give temporary approval and disburse the grant, within a period of six weeks from the date of receipt of a copy of that order. Pursuant to the interim order passed by this Court, the authorities have temporarily approved the appointment of the said P.Bright as Headmaster of the Petitioner Institution.

4. The learned Special Government Pleader appearing for the respondents has relied upon a decision of the Division Bench of this Court rendered in **The Secretary to Government Vs. S.Jeyalakshmi [2016 (5) CTC 639]**, wherein it has been held that Teacher Eligibility Test [TET] is not applicable to minority institutions in the light of the judgment of the Hon'ble Supreme Court in **Pramati Educational & Cultural Trust and others Vs. Union of India and others [2014 (8) SCC 1]** and now, the said issue viz., the Teacher Eligibility Test is mandatory for minority institutions or not is pending before the Larger Bench of the Hon'ble Supreme Court in **Ashwini Thanappan Vs. Director of Education and another [2014 (8) SCC 272]**.

5. Recording the above said submissions, this Writ Petition is disposed of. No costs. However, it is made clear that the temporary approval granted in favour of P.Bright as Headmaster of the Petitioner Institution will be subject to the outcome of the orders to be passed by the Hon'ble Supreme Court. It is open to the petitioner Institution to approach the respondents for other benefits, as per the Rules. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar ()

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To

1.The Secretary to Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai.

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

3.The District Elementary Educational Officer,
Tirunelveli Education District,
Tirunelveli.

4.The Assistant Elementary Educational Officer,
Ambasamudram,
Tirunelveli District.

+1 cc to Mr.S.Chellapandian , Advocate SR.No.69682

+1 cc to The Special Government Pleader Sr.No.69629

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W.P. (MD) No.318 of 2016
17.06.2019

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