



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.09.2019

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THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)Nos.20044, 20045 and 20047 of 2019

1.M.Prabhu	... Petitioner in W.P(MD).No.20044 of 2019
2.D.Sheeba Jeyaseeli	... Petitioner in W.P(MD).No.20045 of 2019
3.M.Jeyapaul Nixon	... Petitioner in W.P(MD).No.20047 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,
Tirunelveli District
Tirunelveli

4.The Correspondent,
Cathedral Higher Secondary School
Palayamkottai
Tirunelveli District

... Respondents in all the Writ Petitions

COMMON PRAYER: These Writ Petitions have been 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 Na.Ka.No.2467/m3/2019, dated 18.06.2019 and quash the same as illegal and consequently, direct the second and third respondents to approve the petitioner's appointment proposal, dated 20.05.2019 and confer all other service benefits, such as, yearly increments, incentives, earn leave, arrears of salary from the date of appointment.

(In all Writ Petitions)

For Petitioner : Mr.S.Chellapandian

For R1 to R3 : Mr.A.Thiagarajan
Government Advocate



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 18.06.2019 and consequently, direct the second and third respondents to approve the petitioners' appointment proposal, dated 20.05.2019 and confer all other service benefits, such as, yearly increments, incentives, earn leave and arrears of salary from the date of their appointments.

2.Mr.A.Thiagarajan, learned Government Advocate takes notice for the respondents 1 to 3. By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.

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 far, 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 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



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. 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.

6. 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-III)

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Sub Assistant Registrar(CS)

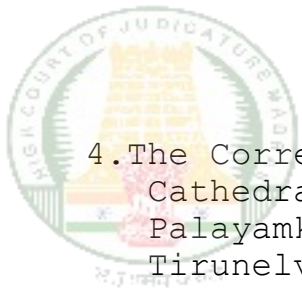
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To

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

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

3.The District Educational Officer,
Tirunelveli District
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4.The Correspondent,
Cathedral Higher Secondary School
Palayamkottai
Tirunelveli District.

+2 CC to M/s.S.CHELLAPANDIAN, Advocate (SR-88457[F] dt.23/09/2019)

+1 CC to M/s.GP (SR-88547[F] dated 23/09/2019)

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20.09.2019

JMN(11.11.2019) 4P : 8C