



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P. (MD) .Nos.19257, 19258, 19259, 19260 and 16821 of 2015
and
M.P. (MD) Nos.1,1,1,1 and 1 of 2015

W.P. (MD) .No.19257 of 2015

Sheela

... Petitioner

-Vs-

1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort. St. George, Chennai-9.

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

3.The District Elementary Educational Officer,
Thoothukudi, Thoothukudi District.

4.The Assistant Elementary Educational Officer,
Kayathar, Thoothukudi District.

5.The Correspondent,
R.C.Primary School,
Vadakku Vandanam,
Thoothukudi District.

... Respondents

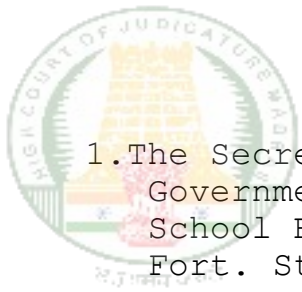
Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to grant approval to the petitioner's appointment as B.T. Assistant in the 5th respondent minority aided school.

W.P. (MD) .No.19258 of 2015

Arockiamary

... Petitioner

-Vs-



1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort. St. George, Chennai-9.

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

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

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

5.The Correspondent,
R.C.Primary School,
Chinthamani, Puliyankudi,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to grant approval to the petitioner's appointment as Secondary Grade Teacher in the 5th respondent minority aided school.

W.P. (MD) .No.19259 of 2015

Lusia

... Petitioner

-Vs-

1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort. St. George, Chennai-9.

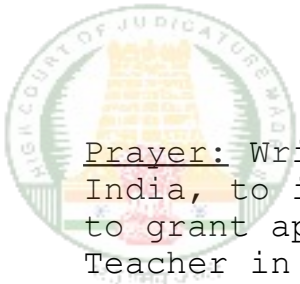
2.The Director of School Education,
College Road, DPI Campus,
Chennai.

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

4.The Additional Elementary Educational Officer,
Tenkasi, Tirunelveli District.

5.The Correspondent,
R.C.Primary School,
Vallam, Tirunelveli District.

... Respondents



Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to grant approval to the petitioner's appointment as Secondary Grade Teacher in the 5th respondent minority aided school.

W.P. (MD) .No.19260 of 2015

Mariammal

... Petitioner

-Vs-

1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort. St. George, Chennai-9.

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

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

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

5.The Correspondent,
R.C.Primary School,
Tenkasi, Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to grant approval to the petitioner's appointment as Secondary Grade Teacher in the 5th respondent minority aided school.

W.P. (MD) .No.16821 of 2015

Jansi Rani

... Petitioner

-Vs-

1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort. St. George, Chennai-9.



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

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

4.The Assistant Elementary Educational Officer,
Keelapavoor Division, Tirunelveli District.

5.The Correspondent,
R.C.Primary School,
Kandamangalam, Pulichikulam,
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to grant approval to the petitioner's appointment as Secondary Grade Teacher in the 5th respondent minority aided school.

For Petitioner
(in all petitions) : Mr.D.Venkatesh

For Respondents
(in all petitions) : Mrs.S.Srimathy
Special Government Pleader
(for R1 to R4)

No Appearance (for R5)

COMMON ORDER

In W.P.(MD).No.19257 of 2015, the relief sought for a direction to direct the respondents 1 to 4 to grant approval to the petitioner's appointment as B.T. Assistant in the 5th respondent minority aided school.

2.In W.P.(MD).Nos.19258, 19259, 19260 and 16829 of 2015, the relief sought for a direction to direct the respondents 1 to 4 to grant approval to the petitioners' appointment as Secondary Grade Teacher in the 5th respondent minority aided school.

3.The claim of the writ petitioners are that they were appointed as B.T. Assistant and Secondary Grade Teacher respectively, in the fifth respondent school, which is a minority aided institution. However, the approval of appointment is not granted enabling the writ petitioners to get salary from the Government. Under those circumstances, the writ petitioners were



constrained to file the present writ petition.

4.The Special Government Pleader appearing on behalf of the respondents 1 to 4 relying on the counter affidavit filed, made a submission that no proposal for approval of appointment of the writ petitioners in the fifth respondent's school was received at all from the correspondent of the school till the date of filing of the counter affidavit. It is reiterated that in the absence of submission of proper proposal by the school, the educational authorities may not be in a position to consider the case of the writ petitioners for grant of approval of appointment. When the Government has taken a stand that they have not received any proposal in the prescribed format from the school for consideration, then this Court cannot issue any direction as such sought for, to approve the appointment of the writ petitioners. Approval of appointment is to be granted only by the competent educational authorities after verifying the records and other criterias, as per the Government Orders as well as the statute and rules in force. Thus, the school has to submit the necessary proposal along with all relevant documents in the prescribed format enabling the authorities competent to consider the case of the petitioners for grant of approval to appointment.

5.In this view of the matter, the fifth respondent school is at liberty to submit the proposal in a prescribed format along with all the relevant documents to the competent educational authorities and if any such proposal is received by the authorities, the same shall be considered by the said authority strictly in accordance with the statute, rules as well as the Government Orders in force and suitable orders shall be passed as expeditiously as possible, however, it is made clear that the teacher must possess the Teachers Eligibility Test. Teachers Eligibility Test being a mandatory qualification for appointment to the teaching posts, the said qualification is to be verified both in respect of minority as well as the non-minority institutions. The Courts have now held that pass in the Teachers Eligibility Test is a mandatory qualification prescribed by the Government of Tamil Nadu and therefore, before granting approval of appointment, the competent authorities shall verify whether the teachers has passed the Teachers Eligibility Test.

6.Accordingly, these writ petitions stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

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To

- 1.The Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Fort. St. George, Chennai-9.
 - 2.The Director of School Education,
College Road, DPI Campus,
Chennai.
 - 3.The District Elementary Educational Officer,
Thoothukudi, Thoothukudi District.
 - 4.The Assistant Elementary Educational Officer,
Kayathar, Thoothukudi District.
 - 5.The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.
 - 6.The Assistant Elementary Educational Officer,
Vasudevanallur, Tirunelveli District.
 - 7.The Additional Elementary Educational Officer,
Tenkasi, Tirunelveli District.
 - 8.The Assistant Elementary Educational Officer,
Keelapavoor Division, Tirunelveli District.
- +1 CC to M/s.SPL GP (SR-84484[F] dated 30/08/2019)
- +1 CC to M/s.D.VENKATESH, Advocate (SR-84729[F] dated 30/08/2019)

W.P. (MD) .Nos.19257, 19258, 19259,
19260 and 16821 of 2015
29.08.2019

sjj
JMN(25.09.2019) 6P : 11C