



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 11.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.23701 of 2019

WEB COPY

Thangamariammal

... Petitioner

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,
Tenkasi Educational District.
Tirunelveli.

4.The Block Educational Officer,
Tenkasi Educational District,
Tenkasi, Tirunelveli.

5.The Correspondent,
Thompson Primary School,
Tenkasi, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the third and fourth respondents to consider the proposal dated 10.07.2017 and disburse all other service & monetary benefits such as yearly increments, incentives, earn leave, arrears of salary from the date of appointment (i.e., 11.04.2012) without insisting TET qualification.

For Petitioner : Mr.S.Chellapandian

For R1 to R4 : Mr.A.Thiyagarajan,
Government Advocate

ORDER

The writ petition has been filed seeking issuance of a writ of Mandamus, to direct the third and fourth respondents to consider the proposal dated 10.07.2017 and disburse all other service & monetary benefits such as yearly increments, incentives, earn leave, arrears of salary from the date of appointment (i.e., 11.04.2012) without insisting TET qualification.



2.Mr.A.Thiagarajan, learned Government Advocate takes notice for the respondents 1 to 4. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

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3. The case of the petitioner is that the fifth respondent School is a recognized minority aided School and the petitioner was appointed as Secondary Grade Teacher in the fifth respondent School, in the sanctioned post. As such, the fifth respondent sent the proposals for appointment to the third respondent through fourth respondent, for approval and the same was approved and the monthly salary of the petitioner was alone disbursed, but, the respondents failed to confer all service benefits to the petitioner, for which, a proposal dated 10.07.2017 was sent by the fifth respondent to the fourth respondent. The same was not considered, for non-compliance of TET qualification. Hence, the writ petitioner is before this Court with the above said prayer.

4. The learned counsel appearing for the petitioner 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:-

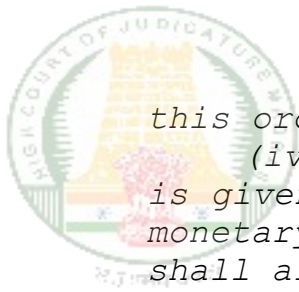
"7.In this case also, the petitioner was appointed in the fourth respondent School, which is admittedly a recognised minority aided School. The appointment also has been made within the sanctioned strength and the petitioner claimed that, he is having every qualification to hold the post. When that being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

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5. This Court is of the view that the aforesaid order holds good in favour of the petitioner herein, as she was appointed in the fifth respondent School, which is admittedly a recognised minority aided School; the appointment has also been made within the sanctioned strength; the petitioner claimed that she is having the required qualification to hold the said post.

6. Hence, the writ petition stands allowed in line with the aforesaid order, dated 26.07.2018 in W.P.(MD)No.16428 of 2018. No costs.

Sd/-

Assistant Registrar (AS)

// 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,
Tenkasi Educational District.
Tirunelveli.

4.The Block Educational Officer,
Tenkasi Educational District,
Tenkasi, Tirunelveli.

+1 CC to MR.S.CHELLAPANDIAN, Advocate (SR-19240[I] dated 11/11/2019)

+1 CC to M/s.SPL GP (SR-97780[F] dated 12/11/2019)

W.P. (MD) No.23701 of 2019
11.11.2019