



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.24178 of 2019

WEB COPY

P.Elsi Jemima

... Petitioner

-Vs-

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

2.The Block Educational Officer,
Vasudevanallur, Tirunelveli District.

3.The Manager,
C.M.M.L. Primary School,
Vadamalapuram P.O-627 755, Mullikulam Via,
Kadayanallur Taluk, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for records relating to the impugned proceedings dated 08.08.2019 in O.Mu.No.843/A1/2019 of the second respondent and quash the same and consequently to direct the respondents 1 and 2 herein to approve the appointment of the petitioner as Secondary Grade Teacher in third respondent school w.e.f., 03.06.2019 with all attendant benefits, including the arrears of salary and allowance.

For Petitioner : Mr.T.Pon Ramkumar

For R1 and R2 : Mr.A.Thiagarajan,
Government Advocate.

ORDER

The order of the second respondent dated 08.08.2019, is sought to be quashed in the present Writ Petition and further direction is sought for to direct the respondents 1 and 2 to approve the appointment of the petitioner as Secondary Grade Teacher in third respondent school w.e.f., 03.06.2019 with all attendant benefits, including the arrears of salary and allowance.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents 1 and



2 and perused the materials available on record.

3.The learned counsel appearing on behalf of the petitioner submitted that the third respondent is the Aided Minority Educational Institution, which was governed under Article 30(1) of the Constitution of India. One Secondary Grade Teacher post fell vacant, on account of promotion of one Grace Beula Grace as Primary Headmaster. The petitioner was appointed as Secondary Grade Teacher in the third respondent School and the said post is a regular sanctioned post with Grant-in-Aid from the Government. The third respondent has sent proposal for approval of the appointment of the petitioner w.e.f., 03.06.2019 to the respondents 1 and 2. The second respondent, by the impugned proceedings dated 08.08.2019, has refused to approve the appointment of the petitioner on the ground that the petitioner has not passed TET examination.

4.The issue whether the teacher appointed in Minority School has passed Teachers Eligibility Test, was considered by the Hon'ble Apex Court in ***Pramati Educational and Cultural Trust and others Vs. Union of India*** reported in ***2014(4) MLJ 486*** and the Division Bench Judgment in ***Secretary to Government vs. S.Jeyalakshmi*** reported in ***2016(5) CTC 639***, wherein it was held that the teachers appointed in the schools run by the Minority Institution need not possess a Certificate of pass in the Teachers Eligibility Test.

5.In view of the above two judgments, the impugned order of the second respondent dated 08.08.2019 in O.Mu.No.843/A1/2019, is set aside. The third respondent is directed to resubmit the proposal for approving the appointment of the petitioner to the second respondent, within a period of two weeks from the date of receipt of a copy of this order. On receipt of such proposal, the second respondent is directed to pass orders, approving the appointment of the petitioner, if she is otherwise eligible.

6.Accordingly, the Writ Petition is allowed. No costs.

Sd/-

Assistant Registrar (W)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

Myr

To

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

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Block Educational Officer,
Vasudevanallur, Tirunelveli District.

+1 CC to M/s.T. PON RAMKUMAR, Advocate (SR-100870[F] dated
25/11/2019)

+1 CC to M/s.SPL GP (SR-100915[F] dated 25/11/2019)

W.P. (MD) No.24178 of 2019

22.11.2019

_KK/SAR/09.01.2020/3P-5C/