

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2020

CORAM

THE HONOURABLE THIRU JUSTICE V. PARTHIBAN

W.P.No.11966 of 2020

B.Thayagaraju

... Petitioner

Vs.

1.The Chief Educational Officer,
Chennai Educational District,
Egmore, Chennai - 600 008.

2.The District Educational Officer,
Chennai South,
Egmore, Chennai - 600 008.

3.The Correspondent,
Kesari Higher Secondary School,
8, SIR Thegaraya Road,
T.Nagar, Chennai - 600 017.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 1st respondent to pass orders granting approval of appointment of the petitioner in the post of B.T.Assistant (Maths) in the 3rd respondent school from the date of appointment on 06.06.2018, with all consequential and other attendant benefits including arrears of salary, based on the proposal forwarded by the 3rd respondent school dated 06.2018, within a time frame to be fixed by this Hon'ble Court.

For Petitioner: Mr.G.Sankaran

For Respondents: Mr.P.Raja
Government Advocate

O R D E R

The matter is taken up through web hearing.

2.The petitioner was appointed as a B.T.Assistant (Maths) in the third respondent / School on 06.06.2018 and he joined the post on the same day. The third respondent / School is a Linguistic Minority Aided School receiving grant-in-aid from the State Government and governed by the provisions of the Tamil Nadu State Recognized Private Schools (Regulation) Act, 1973. The petitioner was appointed against the vacancy arose due to promotion of one incumbent Thiru.P.Rajendran on 01.06.2018.

3.In pursuance of the appointment of the petitioner as B.T.Assistant (Maths) on 06.06.2018, School forwarded the proposal to the first respondent through the second respondent in June 2018 for grant of approval, enclosing all the required documents for consideration by the Authority. As no action was forthcoming from the respondents, on enquiry, the School learnt the proposal has been kept pending for the reason that the petitioner has not passed Teachers Eligibility Test.

4.Mr.G.Sankaran, learned counsel appearing for the petitioner would submit that according to the order of the Hon'ble Supreme Court of India, in respect of teachers employed in Minority Institutions, clearance of Teachers Eligibility Test is not a mandatory requirement and in fact the Director of School Education himself has issued instructions in this regard on 01.03.2017. Therefore, he would submit that there is no legal impediment for grant of approval to the appointment of the petitioner as B.T.Assistant (Maths) on 06.06.2019.

5.Mr.P.Raja, learned Government Advocate who took notice in the writ petition would not dispute the above narrated facts. In any case, the proceedings of the Director of School Education dated 01.03.2017 is also enclosed in the typed set of papers, wherein it is also mentioned that the appointment of teachers in the Minority Institutions can be approved without insisting on passing Teachers Eligibility Test.

6.In view of the above circumstances of the case, the writ petition is disposed of with the direction as under:

The first respondent shall pass appropriate orders granting due approval for the appointment of the petitioner as B.T.Assistant (Maths) in the third respondent School on 06.06.2018, on consideration of all the relevant documents forwarded by the School in this regard, if the petitioner appointment is found to be otherwise in order. The order shall be passed by the

first respondent within a period of eight weeks from the date of receipt of a copy of this order.

7. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

pns/mrm
To

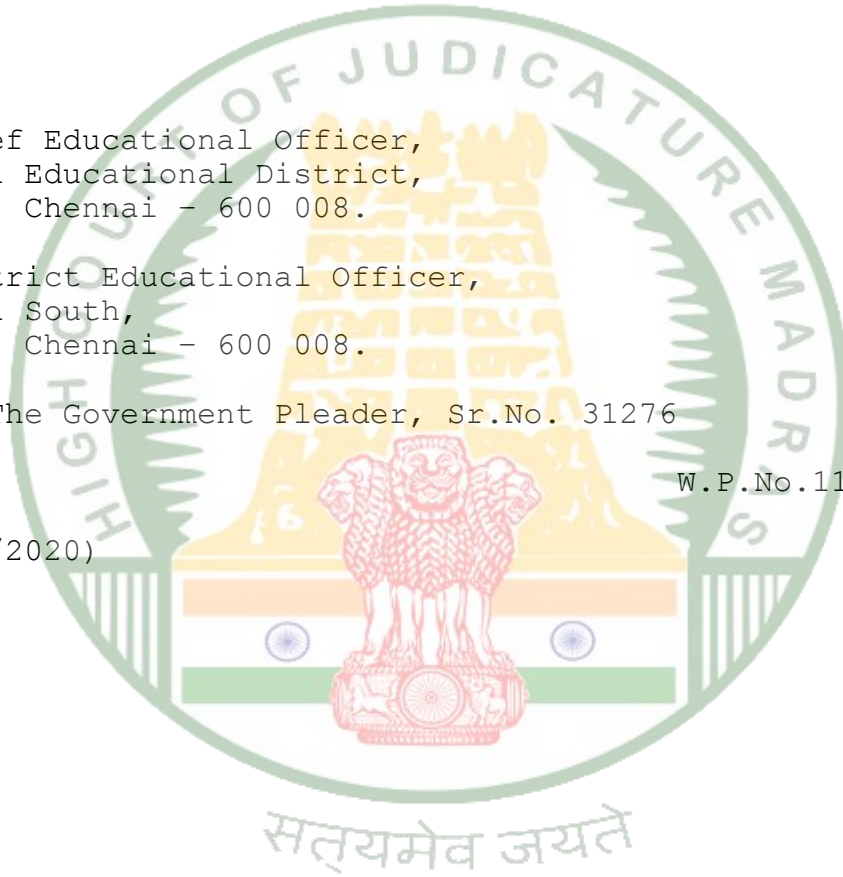
1.The Chief Educational Officer,
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Egmore, Chennai - 600 008.

2.The District Educational Officer,
Chennai South,
Egmore, Chennai - 600 008.

+1 cc to The Government Pleader, Sr.No. 31276

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RSK(CO)
RMP(14/10/2020)



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