



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.08.2021

CORAM

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.17445 OF 2016

AND

W.M.P.NO.14914 OF 2016

(THROUGH VIDEO CONFERENCING)

Swamy Renugal Middle School
Represented by its Correspondent,
Viswanathaperi,
Sivagiri Taluk,
Tirunelveli District - 627 763.

...Petitioner

Vs

1. The Secretary to Government,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
2. The Director of Elementary Education,
College Road, Nungambakkam,
Chennai 600 006.
3. The District Elementary Educational Officer,
Tirunelveli-1.
4. The Additional Assistant Elementary Educational Officer,
Vasudevanallur,
Tirunelveli District.

...Respondents



Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the second respondent to approve the appointment of V.Jevitha, as English Graduate Teacher, in the petitioner's school with effect from 12.08.2015 and direct to pay salary and all other monetary benefits without insisting to pass Teachers Eligibility Test (TET).

For Petitioner : Mr.R.Kamaraj

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

Both the learned counsel for the petitioner and the respondents fairly concede that the issue is no longer res integra and is covered by the decision of the Hon'ble Division Bench of this Court in W.A.Nos.213 and 572 of 2016 vide order dated 24.08.2016.

2. Paragraph 60 of the aforesaid order is reproduced below:-

"60. In the light of the above, we are of the view that the Government cannot insist upon the minority institution, both aided or unaided, to abide by any Regulation framed under the provisions of the RTE Act. Therefore, we hold that G.O.Ms.No.181, School Education (C2) Department dated 15.11.2011 issued by the Government of Tamil Nadu, is not applicable to the minority institutions. Similarly, G.O.Ms.No.76 dated 18.3.2015 issued by the Government of Puducherry, is also not applicable to the minority institutions."



3. As no other contra decision has been cited on behalf of the respondents, this Writ Petition is allowed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-III)

// True Copy //

Sub Assistant Registrar

arb

To

1. The Secretary to Government,
Government of Tamil Nadu,
Fort St. George,
Chennai 600 009.
2. The Director of Elementary Education,
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Chennai 600 006.
3. The District Elementary Educational Officer,
Tirunelveli-1.
4. The Additional Assistant Elementary Educational Officer,
Vasudevanallur,
Tirunelveli District.

+1cc to Mr.R.Kamaraj, Advocate, S.R.No.41600

+1cc to the Government Pleader, S.R.No.42038

W.P.No.17445 of 2016
and
W.M.P.No.14914 of 2016

NK(CO)
RLP(17/09/2021)