



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 07.06.2021

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THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.9107 of 2021

and

W.M.P(MD)No.6863 of 2021

WEB COPY

Jeyanthi Poornima

... 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,
Tirunelveli Educational District,
Tirunelveli.

4.The Correspondent,
Mary Sargent Girls Higher Secondary School,
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent in O.Mu.No.2564/A3/2019 dated 14.06.2019 and quash the same as illegal and consequently, direct the 3rd and 4th respondents to confer all other service benefits such as yearly increments, incentives, earn leave, arrears of salary from the date of appointment (ie., 02.04.2018).

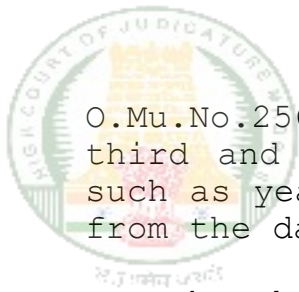
For Petitioner	: Mr.Chellapandian.S
For Respondents	: Mr.P.Thillak Kumar,
for 1 to 3	Standing Counsel for Government

ORDER

Mr.P.Thilak Kumar, learned Standing Counsel for the Government, accepts notice on behalf of the respondents.

2. By consent, the Writ Petition is taken up for final disposal at the admission stage itself.

3. This writ petition has been filed by the petitioner seeking for issuance of a Writ of Certiorarified Mandamus, to quash the impugned order passed by the third respondent in



O.Mu.No.2564/A3/2019 dated 14.06.2019 and consequently, direct the third and fourth respondents to confer all other service benefits such as yearly increments, incentives, earn leave, arrears of salary from the date of appointment (ie., 02.04.2018).

4. The case of the petitioner is that the fourth respondent School is a recognized minority aided school and the petitioner was appointed as B.T.Assistant in the fourth respondent School, in the sanctioned post. As such, the fourth respondent sent a proposal for approval of appointment to the third respondent, but the same have been kept pending so far, 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:-

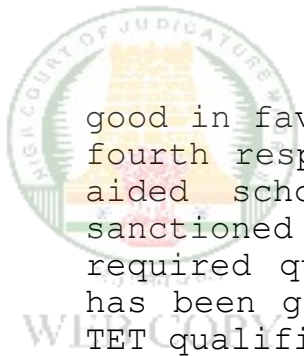
(i) the impugned order is quashed and the Writ Petition is allowed;

(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."

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 fourth respondent school, which is admittedly a recognized minority aided school; the appointment has also been made within the sanctioned strength; the petitioner claimed that he is having the required qualification to hold the said post; and no other reason has been given in the impugned order, except for non-possession of TET qualification.

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

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note:(i) In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

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,
Tirunelveli Educational District,Tirunelveli.
 - 4.The Correspondent,
Mary Sargent Girls Higher Secondary School,
Palayamkottai,Tirunelveli District.
- +1 CC to M/s.S.CHELLAPANDIAN, Advocate (SR-1884[F]
dated 07/06/2021)
+1 CC to M/s.SPL GP (SR-19050[F] dated
08/06/2021)

W.P(MD)No.9107 of 2021

07.06.2021