



W.P.No.2331 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2331 of 2020

and

W.M.P.Nos.2704 and 2709 of 2020

Tamil Nadu Catholic Educational Association,
Represented by its Secretary-cum-Treasurer,
Fr.D.F.Bosco,
Diocesan Pastoral Centre,
25, Rosary Church Road,
Santhome,
Chennai – 600 004.

... Petitioner

Vs.

1. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
2. The Director,
State Council of Education, Research and Training,
DPI Campus, College Road,
Chennai – 600 006.
3. The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings dated 26.12.2019 in R.C.No.5263/D2/2018, on the file of the second respondent and quash the same, directing the respondents to issue certificates to all the Teachers annexed to the Writ Petition, and who participated in the Refresher Course and Interactive Training conducted by the second respondent.

For Petitioner : Father Xavier Arul Raj
Senior Counsel
M/s.Father Xavier Associates

For Respondents : Mr.P.Sathish
Additional Government Pleader

O R D E R

This Writ Petition has been filed to call for the records pertaining to the impugned proceedings dated 26.12.2019 in R.C.No.5263/D2/2018, on the file of the second respondent, quash the same and direct the respondents to issue certificates to all the Teachers annexed to the Writ Petition and who participated in the Refresher Course and Interactive Training conducted by the second respondent.



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2. The learned Senior Counsel appearing for the petitioner would submit that the Tamil Nadu Catholic Educational Association, shortly called as 'TANCEAN' established in the year 1926. The Government issued G.O.(Ms).No.181, School Education (C2) Department, in accordance with Section 23 of the Right of Children to Free and Compulsory Education Act, 2009. As per the said G.O., those Teachers, opting to teach in primary and upper primary standards should complete Teachers Eligibility Test along with their D.T.Ed and B.Ed., qualification. The constitution Bench of the Hon'ble Apex Court in ***Pramati Educational & Cultural Trust v. Union of India*** reported in ***(2014) 8 SCC 1*** held that RTE, Act 2009 and the Rules thereunder, became inapplicable and inoperative, regarding Minority Schools, whether they are aided or unaided, as it ultra vires the Constitution. Based on the above said Apex Court judgment in *Pramati case* (cited *supra*), the petitioner specifically challenged G.O.(Ms).No.181, School Education (C2) Department dated 15.11.2011 in W.P.No.28147 of 2014 pleading that the said G.O., stipulated under Section 23(2) of RTE Act, 2009, has to be held inapplicable in respect of Minority Schools. Several



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Teachers working in the Minority Schools had also challenged the order of rejection of approval along with the said G.O. The Hon'ble Division Bench of this Court quashed the G.O.(Ms).No.181, School Education (C2) Department dated 15.11.2011 by its order dated 24.08.2016 in W.A.No.213 of 2016 etc., batch and directed the Management of Minority Schools to conduct a refresher course.

3. The learned Senior Counsel would further submit that the said Refresher Course was conducted by the second respondent and even after receiving the money, the respondents did not issue the certificates. However, the second respondent issued the impugned proceedings dated 26.12.2019 that there is no provision to give a separate certificate to the participants for having attended Refresher training. In the very same order, the second respondent has also informed that an attendance Certificate has been issued to the participants. Aggrieved by the same, the petitioner has approached this Court with the aforesaid prayer.



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4. The learned Additional Government Pleader appearing for the respondents on instructions would submit that the Certificate will be issued to the Teachers who attended the Refresher Courses conducted by the second respondent as early as possible.

5. Recording the said submission made by the learned Additional Government Pleader, this Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

08.06.2023

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji



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