



W.P.(MD)No.7478 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 7478 of 2019

and

W.M.P(MD)No.5971 of 2019

J.Sathyanathan

... Petitioner

Vs.

1. The Director of Elementary Education,
College Road,
Chennai 600 006.
2. The Chief Educational Officer,
Trichy, Trichy District.
3. The District Educational Officer,
Trichy, Trichy District.
4. The Block Educational Officer,
Trichy Urban,
Trichy District.



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5. The Correspondent,

Hazarath Nathervali Middle School,

Valluvar Nagar 62 008,

Trichy District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Certiorarified Mandamus*, calling for the records relating to the impugned proceedings issued by the 3rd respondent District Educational Officer in Na.Ka.No.0546/A3/2019, dated 15.03.2019, quash the same and further direct the 3rd respondent, District Educational officer to approve forthwith the appointment of petitioner as BT Assistant (Maths) in the 5th respondent school namely; Hazarath Nathervali Middle School, Trichy, w.e.f., the date of appointment viz., 01.06.2017.

For Petitioner : M/s.T.Cibi Chakraborty

For R-1 to R-4 : Mr.V.Om Prakash
Government Advocate

ORDER

This writ petition is filed for *Writ of Certiorarified Mandamus* to quash the impugned order, dated 15.03.2019 with a consequential relief to approve the appointment of the petitioner.



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2. The petitioner was appointed as B.T. Assistant in the 5th respondent school, namely Hazarath Nathervali Middle School, Trichy District and he was working from the date of his appointment i.e., from 01.06.2017. Since the petitioner is not possessing the qualification of *Teacher Eligibility Test*, the appointment of approval was denied by the respondents.

3. This writ petition has been filed in the year 2019. Even as on date, the petitioner is not possessing the qualification of *Teacher Eligibility Test*, inspite of granting several opportunities. The appropriate authorities and the relevant provisions directed the candidates to qualify themselves from the year 2010-2019. Inspite of such concession granted by the authorities, the petitioner has not come forward to acquire qualification of *Teacher Eligibility Test*.

4. The contention of the petitioner is since the 5th respondent school is a minority school, therefore, *Teacher Eligibility Test* is not necessary. The said contention cannot be entertained, since in the TMA Pai's the Hon'ble Supreme Court has held the qualification can be prescribed to the minority school also. Therefore, the contention of the petitioner cannot be considered. Hence the



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petitioner is not entitled to any relief as sought for in the writ petition and liable to be dismissed.

5. Accordingly, this Writ petition stands dismissed. There shall be no order as to Costs. Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
ksa

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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No. 7478 of 2019**

16.06.2023