



W.P(MD)No.23245 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2023

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23245 of 2023
and
W.M.P(MD)No.19424 of 2023

C.Mani Swaminathan

... Petitioner

Vs.

1.The District Educational Officer,
Valliyur,
Tirunelveli District.

2.The Chief Educational Officer,
Palayamkottai,
Tirunelveli District.

3.The Correspondent,
Amir Jamal Higher Secondary School,
Idyankulam,
Padmaneri Post Office,
Tirunelveli District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records
pertaining to the impugned order in Aa.thi.mu.no.2823/ A3/2023, dated 05.08.2023

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on the file of the 2nd respondent and quash the same as illegal and consequently, to directing the respondents to approve the appointment of the petitioner as a B.T.Assistant (Tamil), in the 3rd respondent school, on the basis of the proposal sent by the said school on 21.06.2023 without insisting for qualification in the TET Examination in light of the decision of the Hon'ble Supreme Court and disburse the grant-in-aid towards his salary and allowance with effect from the said date.

For Petitioner : Mr.E.Mareeskumar

For R1 & R2 : Mr.D.Sadiq Raja
Additional Government Pleader

For R3 : No Appearance

ORDER

The present writ petition has been filed by a B.T Assistant Teacher seeking to quash the order passed by the 2nd respondent herein, wherein the request for approval of the petitioner's appointment has been rejected, citing the communication of the Director of School Education, dated 29.03.2023.

2. As per the contentions of the writ petitioner, he was appointed on (*)**12.01.2021** in the sanctioned post. The staff fixation order for the relevant



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academic year also points out that the school is eligible to appoint one Secondary Grade Teacher post, which is upgraded as B.T Assistant post. It is also an admitted fact that the 3rd respondent institution is a stand alone minority school.

3. The learned Additional Government Pleader appearing for the respondents herein contended that the authorities may be directed to consider the approval of the appointment of the petitioner subject to the petitioner possessing TET qualification.

4. I have perused the impugned order. It could be seen that the petitioner has been appointed only in a sanctioned post within the sanctioned vacancy. The petitioner having been appointed in the minority school, as per the decision of the Hon'ble Division Bench of this Court, TET is not mandatory as on today. Therefore, the 2nd respondent is directed to approve the appointment of the writ petitioner as B.T Assistant (Tamil) with effect from (*)**12.01.2021** with all attendant benefits. The said exercise shall be completed within a period of twelve (12) weeks from the date of receipt of copy of this order.



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5. With the above said observations, this Writ Petition stands allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

(*)Corrected / Amended as per the order of this court dated 23.02.2024 made in WMP(MD)No. 4090 of 2024 in WP(MD)No.23245 of 2023.

Sd/-

Assistant Registrar(CS II)

// True Copy //

/06/2024

Sub Assistant Registrar()

gbg

To

To be substituted to the order which is already despatched on 09.01.2024

1.The District Educational Officer,
Valliyur,
Tirunelveli District.

2.The Chief Educational Officer,
Palayamkottai,
Tirunelveli District.

+1 CC to M/s.E.MAREES KUMAR, Advocate (SR-53893[F] dated 29/11/2023)

+1 CC to M/s.E.MAREES KUMAR, Advocate (SR-7573[F] dated 27/02/2024)

+1 CC to M/s.SPL.GP (SR-7641[F] dated 27/02/2024)



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SI (26.12.2023) 5P/ 6C

MK (05.06.2024) 5P/ 6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.