



W.P.(MD) No.26515 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 09.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.26515 of 2022 and
WMP(MD) Nos.20689 and 20690 of 2022 & 1896/2023

T.Indupriya

... Petitioner

-VS-

The Saraswathi Primary School
Muthusamypuram
Muhavoor
Rajapalayam Taluk
Virudhunagar District
Rep. by its Secretary

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings of the respondent dated 17.10.2022 and quash the same as illegal and consequently direct the respondent to submit a proposal seeking approval of the petitioner's appointment with effect from 16.08.2010 within the period that may be stipulated by this Court.

For Petitioner :Mr.M.Jerin Mathew
For Respondents :Mr.EVN.Siva



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ORDER

The petitioner has filed this writ petition challenging the impugned order of the respondent dated 17.10.2022 and for a direction to the respondent to submit a proposal seeking approval of the petitioner's appointment with effect from 16.08.2010.

2. The case of the petitioner in nutshell is as follows:

The petitioner was appointed as Secondary Grade Teacher on 16.08.2010. Though the petitioner was appointed in the year 2010, her appointment was not approved by the educational authorities. Since there is a dispute with regard to the Management, the petitioner's approval got delayed. Therefore, the petitioner filed W.P.(MD) No.19027/2014 and this Court by order dated 07.01.2022, disposed of the said writ petition by directing the authorities to form a school committee and if the petitioner is eligible to be appointed in the said post, a direction was issued to them to pay the salary and other benefits. Hence, the petitioner made a representation on 20.09.2022 to the respondent herein to submit proposal



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for approval of her appointment to the authorities and appeared before the educational authorities on 29.09.2022. However, vide impugned order dated 17.10.2022, the respondent rejected the petitioner's request for submitting her proposal for appointment stating that the petitioner has not possessed TET qualification even after five years of service and a teacher should qualify himself by passing TET within a period of five years and the petitioner's appointment is not in consonance of the Act, the respondent passed the impugned order, challenging which, the petitioner is before this Court.

3. The learned counsel for the petitioner would submit that TET qualification was prescribed only on 23.08.2010 and the Teachers, who are appointed on or after 27.09.2011 must have the qualification of TET. It is his submission that since the petitioner was appointed much before ie., on 16.08.2010, the TET qualification is not mandatory. However, he would submit that since there is an appeal remedy, this Court may pass appropriate orders.



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4. Heard the learned counsel for the respondent on the submissions made by the learned counsel for the petitioner.

5. In view of the above, this writ petition is dismissed with a direction to the petitioner to work out her remedy in the manner known to law. If such appeal is filed before the competent authority within a period of two weeks from the date of receipt of a copy of this order, the same shall be considered by the competent authorities and orders shall be passed, within a period of eight weeks thereafter. No costs. Consequently connected Miscellaneous Petitions are closed.

09.02.2023

NCC : Yes/No

Index : Yes/No

RR

To
The Secretary
Saraswathi Primary School
Muthusampuram, Muhavoor
Rajapalayam Taluk
Virudhunagar District



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M.DHANDAPANI, J.

RR

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