



W.P.(MD).No.16707 of 2017

THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.03.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD).No.16707 of 2017

and

W.M.P.(MD).Nos.13328 and 13329 of 2017

The Correspondent,
De Britto Higher Secondary School,
Devakottai – 630 303,
Sivagangai District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai – 600 009.
- 2.The Director of School Education,
College Road,
Chennai – 600 009.
- 3.The Chief Educational Officer,
Sivagangai,
Sivagangai District.
- 4.The District Educational Officer,
Devakottai, Sivagangai District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the fourth respondent District Educational Officer in O.Mu.No.5707/A4/2017 dated 16.08.2017, quash the same and further direct the fourth respondent District Educational Officer to approve forthwith the appointment of E.Vinnarasi Mary as BT Assistant in History w.e.f. the date of her appointment viz., 07.06.2017, with all attendant benefits including the arrears of salary and allowance.

For Petitioner : Mr.K.Ragathees Kumar,
for M/s.Isaac Chambers.

For Respondents : Mr.M.Ramesh,
Government Advocate.

ORDER

This Writ Petition is filed to quash the impugned order dated 16.08.2017 with a consequential relief to approve forthwith the appointment of E.Vinnarasi Mary as BT Assistant in History w.e.f. the date of her appointment viz., 07.06.2017, with all attendant benefits including the arrears of salary and allowance.



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WEB COPY 2. The Writ Petition is filed by the Correspondent of De Britto Higher Secondary School. The petitioner's School is a Minority Aided Educational Institution. The school had appointed one E.Vinnarasi Mari as BT Assistant History with effect from 07.06.2017. When the School submitted a proposal to the fourth respondent for approval of appointment, it was not considered for the reason that the said E.Vinnarasi Mari is not having TET qualification. The issue whether TET is applicable to the Minority Institution is pending before Supreme Court.

3. Therefore, this Court is inclined to pass the following orders:

(i) The petitioner's appointment shall be temporarily approved and the salary alone shall be paid.

(ii) The issue shall be considered after the disposal of the Supreme Court order.

(iii) Therefore, the impugned order is quashed.

(iv) The said exercise shall be completed within a period of eight (8) weeks from the date of receipt of a copy of this order.



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4. In view of the above, this Writ Petition is allowed to the extent as stated supra. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

13.03.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr

To

- 1.The Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St.George,
Chennai – 600 009.
- 2.The Director of School Education,
College Road,
Chennai – 600 009.
- 3.The Chief Educational Officer,
Sivagangai,
Sivagangai District.
- 4.The District Educational Officer,
Devakottai, Sivagangai District.



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S.SRIMATHY, J.

Nsr

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