



W.P(MD)No.30339 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.12.2023

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.30339 of 2023

and

W.M.P(MD)No.26128 of 2023

Y.Joseph Mercy Rani

... Petitioner

Vs.

1.The District Educational Officer,
Sivagangai, Sivagangai District.

2.The Block Educational Officer,
Ilayankudi, Sivagangai District.

3.The Correspondent,
St.Mary's Middle School,
Salaigramam-630 710,
Sivagangai District-630 710.

... 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 relating to the impugned proceedings issued by the 2nd respondent BEO vide impugned proceedings in Na.Ka.No. 938/e1/2023, dated --.09.2023 quash the same and further direct the respondents 1 and 2 herein to open the Service Register, sanction annual increments, surrender leave benefits, medical leave benefits, to include in the contributory pension scheme and other allowances towards the



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petitioner as BT Assistant (Tamil) in the 3rd respondent school from the date of her appointment ie., 14.06.2012.

For Petitioner : M/s.A.Amala

For R1 & R2 : Mr.V.Om Prakash
Government Advocate

ORDER

The present writ petition has been filed by a B.T Assistant (Tamil) Teacher challenging the order passed by the 2nd respondent herein, wherein he has rejected the request of the school management for opening Service Register and for grant of other benefits to the appointed teacher.

2. The petitioner has been appointed as a B.T Assistant (Tamil) on 14.06.2012. Her appointment was originally not approved by the authorities on the ground that she has not passed TET examination. The school management had filed writ petitions before the Principal Bench in W.P(MD)No.7046 of 2013, which was transferred and tagged along with other similar matters pending before the Principal seat. The Hon'ble Division Bench vide order, dated 24.08.2016 had held that G.O.Ms.No. 181 School Education Department, dated 15.11.2011 issued by the



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Government of Tamil Nadu is not applicable to minority institutions. The Hon'ble Division Bench was pleased to allow the writ petitions and dismissed the writ appeals filed by the State with a direction to the Government to release the salary of the petitioners and also to pay arrears of salary within a period of 2 months from the date of receipt of copy of this order. Admittedly, this order of the Hon'ble Division Bench has attained finality.

3. The authorities have complied with the order and they have released the grant-in-aid. However, the authorities are refusing to open the Service Registrar or confer any other benefit upon the appointee teacher on the ground that the petitioner has not passed TET examination. Once Hon'ble Division Bench has arrived at a finding that TET is not mandatory for a teacher to be appointed in a minority institution, consequentially the appointment of the concerned teacher should have to be approved by the authorities and all other consequential benefits should have been conferred.

4. In view of the above said facts, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the 2nd



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respondent herein. The 2nd respondent is directed to approve the appointment of the writ petitioner with effect from 14.06.2012 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.

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

20.12.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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To

1.The District Educational Officer,
Sivagangai, Sivagangai District.

2.The Block Educational Officer,
Ilayankudi, Sivagangai District.



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R.VIJAYAKUMAR,J.

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Order made in
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