



W.P.No. 16909 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.16909 of 2024

and

WMP No. 18601 2024

Thiru.K.Kuppusamy Memorial High School
Rep.by its Secretary Mr.K.Senthilkumaran
Chinnakangiyannur
Thiruvannamalai.

... Petitioner

-Vs-

- 1.The Director of School Education
College Road, Chennai-6.
- 2.The Chief Educational Officer
Thiruvannamalai District.
- 3.The District Educational Officer
Thiruvannamalai District.
- 4.Mr.R.Manivannan
B.T.Assistant (Tamil)
S.S.Aided High School
Adi Annamalai
Thiruvannamalai.

... Respondents



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Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorari, calling for the entire records connected with the impugned order deployment passed by the 2nd respondent in Na.Ka.No.8364/B6/2023, dated 30.05.2024 and quash the same and consequently direct the 2nd respondent to approve the appointment of Tmt.S.Vennila as B.T. (Tamil) w.e.f. 07.10.2022, with all consequential monetary benefits, on the basis of the proposal of the school dated 07.10.2022.

For Petitioner : Mr.S.N.Ravichandran

For Respondents : Mr.K.H.Ravikumar
Government Advocate
for R1 to R3

No Appearance for R4

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent dated 30.05.2024 and for a consequential direction to the 2nd respondent to approve the promotion of Tmt.S.Vennila as B.T. (Tamil) with effect from 07.10.2022 with all consequential benefits.

2.Heard Mr.S.N.Ravichandran, learned counsel for the petitioner, Mr.K.H.Ravikumar, learned Government Advocate for R1 to R3. There is no appearance for R4 either in person or through counsel.



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3.The grievance of the petitioner School is that a vacancy arose for the pose of B.T (Tamil) on 01.07.2022 due to the superannuation of the incumbent. After following due procedure, the petitioner School promoted Tmt.S.Vennila as B.T (Tamil) in a sanctioned post. The proposal was sent to the 2nd respondent through the 3rd respondent for approval of the promotion of the said Tmt.S.Vennila. When this proposal for approval of promotion was pending, the impugned proceedings dated 30.05.2024, came to be issued by the 2nd respondent ordering for re-deployment and deploying the 4th respondent as B.T. Assistant (Tamil). The same has been made a subject matter of challenge in the present writ petition.

4.When the writ petition came up for hearing on 27.06.2024, this Court passed an interim order staying the deployment and as a result, the order of deployment has now been withdrawn.

5.The only other issue that requires the consideration of this Court is with regard to the sanction that has been sought for by the petitioner School for the promotion of Mrs.S.Vennila as B.T (Tamil).

6.The learned Government Advocate appearing on behalf of the respondents submitted that passing TET is mandatory both for appointment to the post of B.T. Assistant as well as the promotion to the said post. The learned Government



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Advocate submitted that the concerned teacher did not pass the TET examination.

Therefore, there is no question of granting sanction to the promotion of Tmt.S.Vennila. To substantiate his submission, the learned counsel relied upon the judgment of the Division Bench in W.A.No.313 of 2022 etc., dated 02.6.2023. The Division Bench has held that TET is mandatory/essential eligibility criteria for appointment to the post of B.T. Assistant and even for promotion to that post.

7.In view of the same, there is no question of granting approval to the promotion of the said Mrs.S.Vennila, when she has not cleared TET.

8.It is brought to the notice of this Court that as against the order passed by the Division Bench both the sides have filed appeal before the Apex Court and the same is pending. Till the final decision is taken by the Apex Court, the judgment passed by the Division Bench will hold the field. Therefore, if at all the petitioner School is seeking for the approval for promotion given to the above said Tmt.S.Vennila as B.T. Assistant (Tamil), the same will be subject to the final result in the appeal. Till that time, the teacher can continue as a junior Assistant in the petitioner School.



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9.This writ petition is disposed of in the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

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Internet: Yes

Index: Yes/No

To

- 1.The Director of School Education
College Road, Chennai-6.
- 2.The Chief Educational Officer
Thiruvannamalai District.
- 3.The District Educational Officer
Thiruvannamalai District.

N.ANAND VENKATESH. J.,

KP



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