



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.Nos.24834 & 24840 of 2024
and W.M.P.Nos.27189, 27190, 27192 & 27193 of 2024

Mrs.J.Kanchana Devi

... Petitioner
in W.P.No.24834 of 2024

Mrs.M.M.Antiny Priya

... Petitioner
in W.P.No.24840 of 2024

Vs.

- 1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai - 600 009.
- 2.The Director of School Education,
DPI Campus,
College Road, Chennai – 600 006.
- 3.The Chief Educational Officer,
Office of the Chief Educational Officer,
Thiruvallure – 602 001.
- 4.The District Educational Officer,
The office of the District Educational Officer,
Ponneri – 601 204.



5.The Correspondent,

Immaculate Heart of Mary's Girls Higher Secondary School,

Avadi,

Chennai – 600 054.

... Respondents
in both W.Ps

Prayer in W.P.No.24834: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 28.06.2024 in O.Mu.No.358/AA5/2024 on the file of the 3rd respondent and quash the same, directing the respondents 1 to 4 to accord approval to the appointment of the petitioner Mrs.J.Kanchana Devi, working as B.T. Assist (Tamil), in Immaculate Heart of Mary's Girls Higher Secondary school, Avadi, Chennai-600 054 w.e.f. 01.06.2018 with all service and monetary benefits.

Prayer in W.P.No.24834: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order dated 28.06.2024 in O.Mu.No.359/AA5/2024 on the file of the 3rd respondent and quash the same, directing the respondents 1 to 4 to accord approval to the appointment of the petitioner Mrs.M.M.Antiny Priya, working as B.T. Asst. (Science) in the 5th respondent Immaculate Heart of Mary's Girls Higher Secondary school, Avadi, Cehnnai-600 054 w.e.f. 03.06.2019 with all service and monetary benefits



For Petitioner : Dr.Xavier Arulraj
in both W.Ps Senior Counsel for
Father Xavier Associates

For Respondents : Mrs.S.Mythreye Chandru
in both W.Ps Special Government Pleader
for R1 to R4

ORDER

Considering the fact that the issue involved in these writ petitions are squarely covered by the earlier orders passed by this Court, the main writ petitions itself are taken up for final hearing.

2.These writ petitions have been filed challenging the proceedings of the 3rd respondent dated 28.06.2024 and for a consequential direction to the respondents to accord approval to the appointment of the petitioners in the post of B.T. Assistant (Science) and B.T. Assistant (Tamil) respectively in the 5th respondent School.

3.Heard Dr.Xavier Arulraj, learned Senior Counsel appearing on behalf of the petitioners and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing on behalf of the respondents.



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4. The case of the petitioners is that the 5th respondent is a minority School.

The petitioners in both these writ petitions were appointed as B.T. Assistant (Science) and B.T. Assistant (Tamil) w.e.f. 03.06.2019 and 01.06.2018, respectively in the 5th respondent School. This appointment was made in a sanctioned post in a vacancy that arose out of the retirement in one case and promotion in the other case. The 5th respondent School forwarded the proposal for the said appointment of the petitioners with relevant documents to the educational authorities for approval. Since the same was not considered, both the writ petitioners filed writ petitions before this Court seeking for a direction to the respondents to accord approval to the appointment of the petitioners. The writ petitions were disposed of by this Court by directing the educational authorities to take a decision on the approval sought for the appointments.

5. Pursuant to the above order, the 3rd respondent through proceedings dated 28.06.2024 has rejected the approval only on the ground that the petitioners have not acquired TET eligibility. Aggrieved by the same, these writ petitions have been filed before this Court.



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6. In the considered view of this Court, the 5th respondent School is a minority School and therefore, it is now too well settled by virtue of earlier orders passed by this Court that TET eligibility is not applicable to minority Schools. In view of the same, the 3rd respondent ought not to have rejected the approval on that ground.

7. The learned Special Government Pleader appearing on behalf of the respondents 1 to 4 submitted that as against the orders passed by this Court, the State Government has filed the Special Leave Petition in SLP (Civil) No.2691 of 2022 and the same is pending before the Apex Court. The mere pendency of the SLP will not defeat the claims made by the petitioners and the respondents have to go only by the law that prevails as on today.

8. In the light of the above discussion, the impugned proceedings of the 3rd respondent dated 28.06.2024 is hereby set aside. The matter is remitted back to the file of the 3rd respondent and the 3rd respondent is directed to accord approval for the appointments of the petitioners if they are otherwise eligible. It is made clear



that the 3rd respondent will not once again put against the petitioners the TET eligibility for according approval. This process shall be completed by the 3rd respondent, within a period of four weeks from the date of receipt of copy of this order.

9. In the result, these writ petitions are allowed with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

30.08.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1. The Principal Secretary,
Government of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director of School Education,
DPI Campus,
College Road, Chennai – 600 006.



3. The Chief Educational Officer,
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N. ANAND VENKATESH, J.

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