



W.P.No.27373 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.27373 of 2024

and

W.M.P.No.29865 of 2024

R.Akbar Basha,
Secondary Grade, (Urdu)
Islamiah Boys Aide Primary School,
Melvisharam – 632 509,
Ranipet District.

.. Petitioner

Vs.

1.The Director of Elementary Education,
DPI Compound, College Road,
Nungambakkam, Chennai – 600 006.

2.The District Educational Officer,
Ranipet, Ranipet District.

3.The Block Educational Officer,
Ranipet, Ranipet District.

4.The Correspondent,
Islamiah Boys Aide Primary School,
Melvisharam – 632 509,
Ranipet District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, calling for the entire



W.P.No.27373 of 2024

due to demise of one A.Fahmeeda Banu, on 20.12.2022 in the sanctioned post. The petitioner being qualified for the said post, applied for the said vacancy and the 4th respondent appointed the petitioner on 31.01.2023 by following due procedure and the petitioner joined the 4th respondent School on 01.02.2023. The 4th respondent School forwarded the proposal for approval of the said appointment of the petitioner with relevant documents to the educational authorities. Since the said proposal was rejected by order dated 10.07.2024, the petitioner has filed the present writ petition before this Court challenging the order dated 10.07.2024 seeking for approval of his appointment.

4. Similar writ petitions filed before this Court and before the Madurai Bench of this Court have been disposed and it was repeatedly held that TET is not applicable to the Teachers appointed in the Minority Institutions. The 2nd respondent being very well aware about the decisions rendered by this Court in this issue, rejected the approval of the petitioner stating that the petitioner did not clear the TET. Aggrieved by the same, this writ petition has been filed before this Court.

5. In the considered view of this Court, the 4th respondent School is



W.P.No.27373 of 2024

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 2nd respondent ought not to have rejected the approval of the appointment of the petitioner on that ground.

6.The learned Special Government Pleader appearing on behalf of the respondents 1 to 3 submitted that as against the orders passed by this Court, the State Government has filed the Special Leave Petition in S.L.P.(Civil).No.2691 of 2022 and the same is pending before the Apex Court. The mere pendency of the SLP will not defeat the claim made by the petitioner and the respondents have to go only by the law that prevails as on today.

7.In the light of the above discussion, the impugned proceedings of the 2nd respondent dated 10.07.2024 is hereby set aside. The matter is remitted back to the file of the 2nd respondent and the 2nd respondent is directed to accord approval for the appointment of the petitioner if he is otherwise eligible. It is made clear that the 2nd respondent will not once again put against the petitioner the TET eligibility for according approval.



W.P.No.27373 of 2024

This process shall be completed by the 2nd respondent, within a period of four (4) weeks from the date of receipt of copy of this order.

8.In the result, this Writ Petition is allowed with the above directions. Consequently, connected miscellaneous petition is closed. No costs.

20.09.2024

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.The Director of Elementary Education,
DPI Compound, College Road,
Nungambakkam, Chennai – 600 006.
- 2.The District Educational Officer,
Ranipet, Ranipet District.
- 3.The Block Educational Officer,
Ranipet, Ranipet District.
- 4.The Correspondent,
Islamiah Boys Aide Primary School,
Melvisharam – 632 509,
Ranipet District.



WEB COPY



W.P.No.27373 of 2024

N.ANAND VENKATESH, J.

krk

W.P.No.27373 of 2024

20.09.2024