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W.A. Nos.2993 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2024

CORAM:

**THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR
and**

THE HON'BLE MR.JUSTICE P.B.BALAJI

**W.A.No.2993 of 2024
and CMP.No. 22462 of 2024**

1. The State of Tamil Nadu,
Rep by its Secretary,
Department of School Education,
Fort St.George, Chennai-600009.

2.The Director of School Education,
College Road, Chennai-600006.

3.The Chief Educational Officer,
District Collectorate Compound,
Salem District -636001.

4.The District Educational Officer,
District Collectorate Compound,
Salem District -636001.

.. Appellants

Vs

The Correspondent and Headmistress,
Jayarani Girls Higher Secondary School,
Nethimedu, Salem District -636002.

..Respondent



W.A. Nos.2993 of 2024

Common Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 12.01.2024 made in W.P. No.8149 of 2022 and allow the Writ Appeal.

For Appellant : Mr.P.S.Raman,
Advocate General assisted by
for Mr.UM.Ravichandran,
Special Government Pleader

For Respondent : Mrs.S.Amala Irudhayamary

J U D G M E N T

(Judgment of the Court was made by MR.JUSTICE D.KRISHNAKUMAR)

These Writ Appeals are filed against the order of the learned Single Judge in W.P. No.8149 of 2022, dated 12.01.2024.

2. The learned Advocate General assisted by the leaned Special Government Pleader appearing for the appellants submitted that the Writ Court has not considered the submissions made by the Department and allowed the Writ Petition and granted relief to the respondent herein. He further submits that the Department has raised several grounds in the Writ



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Appeal.

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3. Learned Counsel appearing for the respondent submits that in a similar matter in the case of ***the Director of Elementary Education, College Road, Chennai & Others vs. J.Prema Anitha, Secondary Grade Assistant, Danish Mission Elementary School, Cuddalore & Another*** reported in ***CDJ 2024 MHC 5454***, a Division Bench of this Court has held as follows:

"7. Here in this case, the first respondent was appointment as B.T.Assistant, vide order dated 18.01.2019 and she joined duty on 21.01.2019. The proposal for approval of her appointment was forwarded to the appellants on 21.01.2019, viz, prior to the issuance of G.O.Ms.No.165, dated 17.09.2019. At this juncture, it is to be noted that, earlier, this Court, vide order made in W.P.No.1251 of 2020, dated 16.06.2022; and W.P.No.727 of 2023, dated 05.07.2023, has directed the appellants to consider and pass an order of approval of the appointment of first respondent made by the school management, however the proposals were rejected. As such, considering the facts and circumstances of the case and also in the light of the above judgment passed by a Division Bench of this Court, the appellants therein are directed to consider and pass an order of approval of the appointment made by the School Management, provided the said proposals satisfy the norms prescribed for such appointment and as per the Rules, as expeditiously as possible preferably within a period of twelve weeks from the date of receipt of a copy of this judgment, bearing in mind the aforesaid judgment."

4. The learned Advocate General appearing for the appellant Department also did not dispute the said submission made by the learned



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counsel for the respondent. However, the learned Advocate General has submitted that the respondent herein has not passed TET examination and further submitted that as against the order of the Hon'ble Division Bench of this Court in a similar matter, the department has preferred an appeal before the Hon'ble Supreme Court and the same is pending.

5. Considering the submissions made by the learned Advocate General and in the light of the judgment of Division Bench cited supra, the order of the writ court is modified and accordingly, this Court is inclined to pass orders as follows:

- i. The impugned order passed by the fourth appellant herein in O.Mu.No. 3375/a2/2020, dated 13.07.2020 is set aside.
- ii. The appellant Department is directed to consider and pass orders on the proposal for approval of the appointment of B.Sagaya Rani, in the post of B.T. Assistant (English) with effect from 03.06.2019, provided the said proposals satisfy the norms prescribed for such appointment and as per the Rules, as expeditiously as possible, preferably within a period of twelve weeks from the date of receipt of a copy of this judgment.
- iii. We make it clear that regarding the eligibility of passing in TET



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examination by the respondent, it is for the authorities concerned to impose conditions subject to the outcome of the SLP pending before the Hon'ble Supreme Court.

5. With the above directions, these Writ Appeal stands disposed of.

There shall be no order as to costs. Consequently, connected Miscellaneous Petition is also closed.

(D.K.K.J.) (P.B.B.J.)

23.10.2024

Internet: Yes/No

Index : Yes/No

Speaking Order/Non Speaking Order

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and

P.B.BALAJI, J.

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