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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.10.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.29857 of 2024
and W.M.P.Nos.32554 & 32556 of 2024

J.Nandhini

... Petitioner

Vs.

1.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

2.The Chief Educational Officer,
Thiruvannamalai District,
Thiruvannamalai.

3.The District Educational Officer (Secondary),
Thiruvannamalai Educational District,
Thiruvannamalai.

4.The Correspondent,
M.A. Khadar Sait Memorial Muslim High School,
Thiruvannamalai,
Thiruvannamalai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating



the impugned proceedings issued by the 3rd respondent in Na.Ka.No.4193/A3/2022 dated 05.08.2024 and to quash the same and consequently directing the respondents 2 and 3 to pass orders for granting approval of appointment of the petitioner in the sanctioned post of B.T. Assistant (Tamil) in the 4th respondent School from the date of appointment with effect from 01.07.2022 with all consequential and other attendant benefits, including payment of arrears of salary from the date of appointment, based on the proposal resubmitted by the 4th respondent school dated 19.08.2024.

For Petitioner : Mr.Mr.G.Sankaran
Senior Counsel for
Mr.S.Nedunchezhiyan

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader
for R1 to R3

ORDER

This writ petition has been filed challenging the impugned proceedings in Na.Ka.No.4193/A3/2022 dated 05.08.2024 issued by the 3rd respondent and consequently directing the respondents 2 and 3 to pass orders for granting approval of appointment of the petitioner in the sanctioned post of B.T. Assistant (Tamil) in the 4th respondent School from the date of appointment with effect



from 01.07.2022 with all consequential and other attendant benefits, including payment of arrears of salary from the date of appointment, based on the proposal resubmitted by the 4th respondent school dated 19.08.2024.

2.Considering the fact that the issue involved in the present writ petition is squarely covered by the earlier orders passed by this Court, the main writ petition itself is taken up for final hearing.

3.Heard Mr.G.Sankaran, learned Senior counsel appearing on behalf of the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing on behalf of the respondents 1 to 3.

4.The case of the petitioner is that the 4th respondent School is a minority Government Aided School. A vacancy arose in the post of B.T. Assistant (Tamil) in the year 2022 due to the retirement of the incumbent. The petitioner was selected and appointed to the said post in the 4th respondent School w.e.f., 01.07.2022. The appointment order was issued by the 4th respondent School on 30.06.2022. The further case of the petitioner is that she was appointed in the



sanctioned post as per the staff fixation order issued for the academic year 2022-2023.

5.The 4th respondent School forwarded the proposal to the official respondents seeking for the approval of the appointment of the petitioner in the post of B.T. Assistant w.e.f., 01.07.2022.

6.The same was not considered and therefore, the petitioner approached this Court and filed W.P.No.3083 of 2024 seeking for a direction to the official respondents to consider and pass orders on the proposal that was already forwarded by the 4th respondent School. The said writ petition was disposed of by an order dated 12.02.2024, issuing appropriate directions.

7.Pursuant to the above order, the 3rd respondent has issued the impugned proceedings dated 05.08.2024, refusing to grant approval for the appointment of the petitioner. Aggrieved by the same, the present writ petition has been filed before this Court.



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8.The petitioner is aggrieved by reasons 2 and 3 as stated in the impugned order, since the 3rd respondent has insisted for the completion of the TET and in the absence, has refused to grant approval for the appointment of the petitioner. The specific case of the petitioner is that the 4th respondent is a religious minority school and therefore, as per the judgment of this Court, the completion of TET qualification is not a per-requisite for granting approval.

9.The issue involved in the present case is squarely covered by the earlier order passed by the Division Bench of this Court in W.A.No.313 of 2022 etc., dated 02.06.2023. This order was clarified by a subsequent order dated 14.06.2023, wherein, it was categorically stated that the TET cannot be insisted for minority institutions. In view of the above, the 3rd respondent ought not to have rejected grant of approval for appointment by insisting for TET qualification. Hence, the refusal order passed by the 3rd respondent is liable to be interfered by this Court insofar as the 2nd and 3rd reasons are concerned. The 1st reason that has been cited in the order is said to have been complied with by the 4th respondent School.



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10.In the result, the impugned proceedings in Na.Ka.No.4193/A3/2022 dated 05.08.2024 passed by the 3rd respondent is hereby quashed. The 3rd respondent is directed to once again take up the proposal that has been forwarded by the 4th respondent School and grant approval for the appointment of the petitioner, if the petitioner satisfies all the other requirements. Necessary order shall be passed in this regard, within a period of six weeks from the date of receipt of copy of this order.

11.In the result, this writ petition stands allowed in the above terms. No Costs. Consequently, connected miscellaneous petitions are closed.

15.10.2024

Internet : Yes

(1/2)

Index : Yes

Speaking Order / Non Speaking Order

SSR



To

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1. The Managing Director,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
3/137, Salamedu,
Villupuram – 605 602.
2. The General Manager,
Tamil Nadu State Transport Corporation (Villupuram) Ltd.,
Vellore Region,
Rangapuram, Vellore – 632 009.
3. The Administrator,
Tamil Nadu State Transport Corporations Employees' Pension Fund Trust,
Thiruvalluvar Illam,
Anna Salai, Chennai - 600 002.



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N. ANAND VENKATESH, J.

SSR

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(1/2)