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**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 15.10.2024**

**CORAM**

**THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH**

**W.P.No.29858 of 2024**  
**and W.M.P.Nos.32557 & 32558 of 2024**

A.G.Althaf Khan

... 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



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the impugned proceedings issued by the 3rd respondent in Na.Ka.No.4024/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 (History) in the 4th respondent School from the date of appointment with effect from 01.06.2022 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.4024/A3/2022 dated 05.08.2024 issued by the 3<sup>rd</sup> 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 (History) in the 4th respondent School from the date of appointment with effect



from 01.06.2022 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 4<sup>th</sup> respondent School is a minority Government Aided School. A vacancy arose in the post of B.T. Assistant (History) in the year 2022 due to the retirement of the incumbent. The petitioner was selected and appointed to the said post in the 4<sup>th</sup> respondent School w.e.f., 01.06.2022. The appointment order was issued by the 4<sup>th</sup> respondent School on 31.05.2022. The further case of the petitioner is that he was appointed in the



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

5.The 4<sup>th</sup> 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., 01.06.2022.

6.The same was not considered and therefore, the petitioner approached this Court and filed W.P.No.3086 of 2024 seeking for a direction to the official respondents to consider and pass orders on the proposal that was already forwarded by the 4<sup>th</sup> 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 3<sup>rd</sup> 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.



8.The petitioner is aggrieved by reasons 2 and 3 as stated in the impugned order, since the 3<sup>rd</sup> 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 4<sup>th</sup> 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 3<sup>rd</sup> respondent ought not to have rejected grant of approval for appointment by insisting for TET qualification. Hence, the refusal order passed by the 3<sup>rd</sup> respondent is liable to be interfered by this Court insofar as the 2<sup>nd</sup> and 3<sup>rd</sup> reasons are concerned. The 1<sup>st</sup> reason that has been cited in the order is said to have been complied with by the 4<sup>th</sup> respondent School.



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10.In the result, the impugned proceedings in Na.Ka.No.4024/A3/2022 dated 05.08.2024 passed by the 3<sup>rd</sup> respondent is hereby quashed. The 3<sup>rd</sup> respondent is directed to once again take up the proposal that has been forwarded by the 4<sup>th</sup> 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

(2/2)

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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