



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.29208 of 2024

S.Lawrence Christopher

... Petitioner

Vs.

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

2.The Chief Educational Officer,
Chief Educational Office,
Cuddalore,
Cuddalore District – 607 001.

3.The District Educational Officer (Secondary Education)
Virdudhachalam,
Cuddalore District 607 001.

4.The Arcot Lutheran Church,
Rep. by its Secretary,
ALC Central Office,
No.9, ALC Campus, Cuddalore – 607 001.



5. The Correspondent,
Danish Mission Higher Secondary School,
Pudhukuppam,
Virdudhachalam,
Cuddalore District 607 001.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in Na.Ka.No.10210/AA2/2023 dated 24.4.2024 quash the same so far as the condition of TET Qualification, the condition of availability of excess teachers in the other schools are concerned and consequently direct the 2nd respondent to approve the petitioners appointment to the post of BT Assistant to approve the petitioners appointment to the post of BT Assistant (Mathematics) with effect from 01.02.2021 with all consequential monetary and service benefits, without insisting upon TET qualification.

For Petitioner : Mr.C.Mahendran

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

ORDER

This writ petition has been filed challenging the proceedings of the 2nd respondent dated 24.04.2024 only insofar as reason No.7 is concerned where



there is insistence for completing TET and for a consequential direction to the 2nd respondent to approve the appointment of the petitioner to the post of B.T. Assistant (Mathematics) w.e.f. 01.02.2021 with all attendant benefits.

2.Heard Mr.C.Mahendran, learned counsel appearing on behalf of the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing on behalf of the respondents.

3.The case of the petitioner is that he was appointed as B.T. Assistant (Mathematics) in the Higher Secondary School w.e.f. 01.02.2021. The educational agency forwarded the proposal for the appointment of the petitioner. The further case of the petitioner is that there is no surplus insofar as the post of B.T. Assistant (Mathematics) is concerned in the said School.

4.The grievance of the petitioner is that the proposal that was forwarded to the 2nd respondent was returned by citing 13 reasons. The petitioner is aggrieved only by reason No.7 which is insisting for the completion of TET. According to the petitioner, the 5th respondent School is a minority school and



therefore, TET will not apply in the light of the judgment of the Division Bench in W.A.No.313 etc., of 2022, dated 02.06.2023. Insofar as the other defects that were pointed out, the petitioner has taken a stand that the same will be rectified and it will be represented by the 5th respondent School.

5.In the considered view of this Court, the 5th respondent School is a minority School. Therefore, there is no question of insisting for completion of the TET pursuant to the judgment of the Division Bench that was relied upon by the learned counsel for the petitioner. Hence, the said condition should not be put against the petitioner. Insofar as the other conditions/deficiencies that were pointed out by the 2nd respondent through the impugned proceedings dated 24.04.2024, the same has to be complied with/rectified and the proposal will have to be resubmitted by the 5th respondent School to the 2nd respondent.

6.In the light of the above discussion, the impugned proceedings of the 2nd respondent dated 24.04.2024 is interfered only insofar as condition No.7 is concerned. There shall be a direction to the 5th respondent School to resubmit the proposal of the appointment of the petitioner to the post of B.T. Assistant



(Mathematics) after complying/rectifying the conditions/defects pointed out by the 2nd respondent through the impugned proceedings dated 24.04.2024. On receipt of the same, it shall be dealt with by the 2nd respondent and appropriate order shall be passed in accordance with law, within a period of six weeks thereafter.

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

03.10.2024

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

To

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



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N. ANAND VENKATESH, J.

SSR

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