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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.29941 of 2024
and W.M.P.Nos.32646 & 32647 of 2024

Sr.A.Celine Elizabeth Rani

... Petitioner

Vs.

- 1.The Government of Tamil Nadu
Rep. by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
District Collectorate Campus, Fourth Floor,
Mayiladuthurai – 609 001.
- 4.The District Educational Officer,
The Office of the District Educational Officer,
District Collectorate Campus, Fourth Floor,
Mayiladuthurai – 609 001.



5.The Correspondent,
R.C. Aided Elementary School,
Jayankondam,
Ariyalur – 621 802.

6.The Correspondent,
St. Theresa's Girls Higher Secondary School,
Tharangambadi – 609 313,
Mayiladuthurai District.

... 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 pertaining to the impugned order dated 16.08.204 in O.Mu. No.1970/AA2/2024 on the file of the 3rd respondent and quash the same, directing the respondents 1 to 4 to accord approval to the transfer and promotion of the petitioner Sr.A.Celine Elizabeth Rani, working as B.T. Asst. (History) in the 6th respondent St. Theresa's Girls Higher Secondary School, Tharangambadi-609 313, Mayiladuthurai District, w.e.f. 03.08.2021 within the same educational agency, with all service and monetary benefits.

For Petitioner : Mr.Dr.Fr.Xavier Aruldas
Senior Counsel for
Ms.A.Arul Mary

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader
for R1 to R4



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ORDER

This writ petition has been filed challenging the impugned proceedings in O.Mu.No.1970/AA2/2024 dated 16.08.2024, issued by the 3rd respondent and consequential direction to respondents 1 to 4 to accord approval to the transfer and promotion of the petitioner Sr.A.Celine Elizabeth Rani, working as B.T. Assistant (History) in the 6th respondent School w.e.f. 03.08.2021, within the same educational agency, with all service and monetary benefits.

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.Dr.Fr.Xavier Aruldas, 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 4.



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4.The case of the petitioner is that she was appointed as a Secondary Grade Assistant in St. Johns Primary School in the year 2002. The same was approved by the competent educational authorities by proceedings dated 24.07.2002. Thereafter, in the year 2017, the petitioner was transferred to the 5th respondent School. The Management of the School transferred the petitioner from the 5th respondent School to the 6th respondent School and the petitioner was promoted and appointed as B.T. Assistant (History) in the 6th respondent School w.e.f., 03.08.2021. The specific case of the petitioner is that the petitioner was appointed in the vacancy that arose out of the retirement of the incumbent in that post.

5.Based on the promotion and transfer order of the 5th respondent, the petitioner was also relieved from the 5th respondent School in order to enable the petitioner to join in the 6th respondent School and accordingly, the petitioner joined the 6th respondent School on 03.08.2021.

6.The proposal for the transfer and promotion of the petitioner as B.T. Assistant (History) in the 6th respondent School was submitted to the competent



authority for approval on 27.10.2021. Thereafter, the 6th respondent was also continuously sending remainders to grant approval for the promotion of the petitioner.

7. There was no response on the side of the competent authority and hence, the petitioner filed W.P.No.3622 of 2024 before this Court for a direction to the competent authority to accord approval for the promotion of the petitioner from the date of her joining in the 6th respondent School. The said writ petition was disposed of by an order dated 16.02.2024 by issuing appropriate directions to the competent authority.

8. Pursuant to the above order, the 3rd respondent has rejected the grant of approval to the petitioner through the impugned proceedings dated 16.08.2024 and the same has been put to challenge in the present writ petition.

9. The only ground on which the proposal was rejected by the 3rd respondent was that the petitioner does not possess TET qualification.



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10. In the considered view of this Court, the 5th and 6th respondent Schools are religious minority institutions and therefore, as per the judgment of this Court, the completion of TET qualification is not a pre-requisite for granting approval.

11. 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.

12. In the result, the impugned proceedings in O.Mu.No.1970/AA2/2024 dated 16.08.2024 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 6th respondent School and grant approval for the appointment of the petitioner, if the petitioner satisfied 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.

13.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
Index : Yes
Speaking Order / Non Speaking Order
ssr

To

1.The Principal Secretary,
Government of Tamil Nadu
Department of School Education,
Fort St. George, Chennai – 600 009.

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



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