



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.32424 of 2024

Mrs.V.Farzana Tabbasum

... Petitioner

Vs.

1.The Director of School Education,
DPI Compound, College Road,
Chennai – 6.

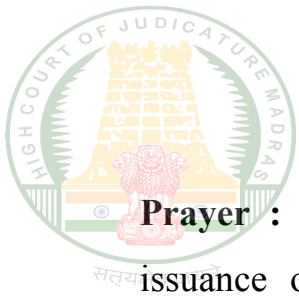
2.The Chief Educational Officer (Secondary)
Thirupathur District,
Thirupathur.

3.The District Educational Officer,
Thirupathur District,
Thirupathur.

4.The Block Educational Officer,
Vaniyambadi,
Thirupathur.

5.Khaderia Higher Secondary School,
Rep. by its Correspondent,
No.111, Jinna Road,
Khaderpet, Vaniyambadi,
Thirupathur District – 635 751.

... Respondents



Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the 3rd respondent in Na.Ka.No.2930/A5/2024 dated Nil.09.2024 and quash the same and consequently direct the respondents 1 to 4 to approve the appointment of petitioner as B.T. Assistant (Urdu) in the 5th respondent School, with effect from 01.09.2023 with all consequential and monetary benefits.

For Petitioner : Mr.R.D.Ashok Kumar
for Mr.S.N.Ravichandran

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

ORDER

This writ petition has been filed challenging the impugned proceedings of the 3rd respondent dated Nil.09.2024 and for a consequential direction to respondents 1 to 4 to approve the appointment of the petitioner as B.T. Assistant (Urdu) in the 5th respondent School w.e.f., 01.09.2023 and for paying all consequential and monetary benefits.

2.Heard Mr.R.D.Ashok Kumar, learned counsel appearing on behalf of the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader



appearing on behalf of respondents 1 to 4.

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3.The case of the petitioner is that the 5th respondent School is an Aided Religious and Linguistic Minority School. The 5th respondent is receiving grant in aid from the State Government up to 10th standard and the higher secondary course is run under the self-finance scheme. A vacancy arose in the post of B.T.Assistant (Urdu) in the 5th respondent School. This is a sanctioned post as is evident from the fixation of staff strength done by the competent authority.

4. The 5th respondent School appointed the petitioner in the post of B.T.Assistant (Urdu). The proposal was forwarded by the 5th respondent School to the 3rd respondent. The 3rd respondent through the impugned proceedings dated 23.05.2024, rejected the approval and had returned back the file to the 5th respondent School. The petitioner filed WP No.25354 of 2024 before this Court and this Court disposed of the above said writ petition by issuing the following directions :-

5.When the matter was taken up for hearing, the learned Special Government Pleader appearing on behalf of respondents 1 to 4 based on instructions, submitted that the proposal that is forwarded by the 5th respondent School for approval of the appointment of the petitioner will



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be dealt with by the 2nd respondent in line with the instructions issued by the Government dated 10.05.2024. In the light of the above submission, the impugned proceedings of the 3rd respondent dated 23.05.2024, is hereby quashed. There shall be a direction to the 5th respondent School to once again forward the entire file to the 3rd respondent. The 3rd respondent in turn shall place it before the 2nd respondent. The 2nd respondent shall deal with the same in line with the instructions given by the Government in letter dated 10.05.2024. A final decision shall be taken within a period of six weeks after the files are forwarded by the 5th respondent School.

5. Pursuant to the above order, the 3rd respondent has issued the impugned proceedings in Na.Ka.No.2930/A5/2024 dated Nil. 09.2024, refusing to grant approval for the appointment of the petitioner on the ground that the petitioner has not qualified in TET . Aggrieved by the same, the present writ petition has been filed before this Court.

6. The issue involved in the present writ petition is squarely covered by the Judgement of the Division Bench in WP MD No.10824 of 2021 and batch. The



Division Bench has categorically held that TET is not applicable to teachers appointed in the minority institutions. When a similar writ petition came up before this Court in WP No.24834 etc., of 2024, this Court allowed the writ petition by an order dated 30.08.2024. The relevant portions are extracted hereunder :-

5.Pursuant to the above order, the 3rd respondent through proceedings dated 28.06.2024 has rejected the approval only on the ground that the petitioners have not acquired TET eligibility. Aggrieved by the same, these writ petitions have been filed before this Court.

6.In the considered view of this Court, the 5th respondent School is a minority School and therefore, it is now too well settled by virtue of earlier orders passed by this Court that TET eligibility is not applicable to minority Schools. In view of the same, the 3rd respondent ought not to have rejected the approval on that ground.

7.The learned Special Government Pleader appearing on behalf of the respondents 1 to 4 submitted that as against the orders passed by this Court, the State Government has filed the Special Leave



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Petition in SLP (Civil) No.2691 of 2022 and the same is pending before the Apex Court. The mere pendency of the SLP will not defeat the claims made by the petitioners and the respondents have to go only by the law that prevails as on today.

8. In the light of the above discussion, the impugned proceedings of the 3rd respondent dated 28.06.2024 is hereby set aside. The matter is remitted back to the file of the 3rd respondent and the 3rd respondent is directed to accord approval for the appointments of the petitioners if they are otherwise eligible. It is made clear that the 3rd respondent will not once again put against the petitioners the TET eligibility for according approval. This process shall be completed by the 3rd respondent, within a period of four weeks from the date of receipt of copy of this order.

7. The above reasoning given by this Court will squarely apply to the facts of this case also.

8. In the light of the above discussion, the impugned order passed by the



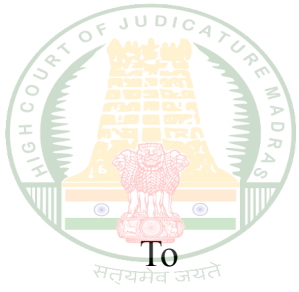
3rd respondent in Na.Ka.No.2930/A5/2024 dated Nil. 09.2024, is hereby set-aside.

The matter is remitted back to the file of the 3rd respondent and the 3rd respondent is directed to accord approval for the appointment of the petitioner, if he is otherwise eligible. It is made clear that the 3rd respondent should not once again put against the petitioner the TET eligibility for according approval. This process shall be completed by the 3rd respondent within a period of four weeks from the date of receipt of a copy of this order.

9. In the result, this writ petition is allowed with the above directions. No costs.

30.10.2024

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

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N. ANAND VENKATESH, J.
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