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W.P.No.30624 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.30624 of 2024
and W.M.P.No.33230 of 2024

Sr.M.Arputha Stella Mary,
Nazareth Aided Primary School,
Yercaud, Salem – 636 001.

.. Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
The Department of School Education,
Fort. St. George,
Chennai – 600 009.
- 2.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The District Elementary Educational Officer,
The District Educational Office,
3rd Floor, Collectorate Campus,
Salem – 636 001.
- 4.The Block Educational Officer,
The Block Educational Office,
Yercaud, Salem – 636 001.
- 5.The Correspondent,
Nazareth Aided Primary School,
Yercaud, Salem – 636 001.

.. Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 3rd respondent to accord approval to the appointment of the petitioner Sr.M.Arputha Stella Mary, as Second Grade Asst. in the 5th respondent Nazareth Aided Primary School, Yercaud, Salem – 636 001, which is a minority school, based on the recommendation of the 4th respondent w.e.f. 01.06.2022, without insisting on the TET qualification and with all service and monetary benefits.

For Petitioner : Dr.Fr.Xavier Arul Raj
Senior Counsel
for M/s.Father Xavier Associates

For RR 1 to 4 : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the 3rd respondent to accord approval to the appointment of the petitioner as Secondary Grade Assistant in the 5th respondent School based on the recommendation given by the 4th respondent with effect from 01.06.2022 without insisting for TET qualification and to extend all the service and monetary benefits.

2.Heard the learned Senior Counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 4.



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3.The case of the petitioner is that the 5th respondent School is a religious minority School. The petitioner was appointed as a Secondary Grade Assistant in the 5th respondent School with effect from 01.06.2022 based on the vacancy that arose out of the promotion of the incumbent of the said post. The proposal for the appointment of the petitioner was submitted to the educational authorities for approval.

4.The further case of the petitioner is that the 3rd respondent through proceedings dated 05.10.2023 had granted approval for the promotion of one Sr.A.Margaret Nirmala as Head Mistress. It is only due to the promotion of this teacher, the petitioner got appointed to the post of Secondary Grade Assistant. In so far as the approval sought for the appointment of the petitioner, the 3rd respondent through proceedings dated 10.04.2024 raised some queries.

5.The School Management submitted a detailed explanation and answered all the queries and thereafter, the 4th respondent through the proceedings dated 23.07.2024 once again raised certain queries and it was answered by the Management and it was also informed that the said queries were already clarified to the 3rd respondent.



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6.The 5th respondent Management once again re-submitted the proposal as a reminder on 10.09.2024 for approval. After verifying the records, the 4th respondent through proceedings dated 11.09.2024 recommended to the 3rd respondent for granting approval for the appointment of the petitioner as a Secondary Grade Assistant in the 5th respondent School. The 3rd respondent once again returned the proposal for approval only on the ground that the petitioner does not have TET qualification. It is under these circumstance, the present writ petition has been filed before this Court.

7.In the considered view of this Court, the TET qualification is not applicable to religious minority institutions. This law was confirmed by the Division Bench judgment of this Court in W.A.(MD).No.1019 of 2013 dated 24.11.2016 and the order dated 26.09.2019 passed in W.A.(MD).No.859 of 2019. Hence, the 3rd respondent cannot insist for TET qualification in order to grant approval for the appointment of the petitioner.

8.In the light of the above discussion, there shall be a direction to the 3rd respondent to accord approval for the appointment of the



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petitioner as Secondary Grade Assistant in the 5th respondent School based on the recommendation made by the 4th respondent through proceedings dated 11.09.2024. Necessary orders shall be passed in this regard within a period of four (4) weeks from the date of receipt of a copy of this order.

9.In the result, this Writ Petition is disposed of with the above directions. Consequently, the connected Miscellaneous Petition is closed.
No costs.

18.10.2024

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No

To

- 1.The Government of Tamil Nadu,
Rep. by its Principal Secretary,
The Department of School Education,
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Chennai – 600 009.
- 2.The Director of Elementary Education,
DPI Campus, College Road,
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- 3.The District Elementary Educational Officer,
The District Educational Office,
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