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Writ Petition No.31411 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2024

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THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.31411 of 2024

and

W.M.P.No.34099 of 2024

S.Barvin

W/o.S.N.Mohammed Ismail

... Petitioner

Vs.

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Tiruvarur District,
Tiruvarur.
3. The District Educational Officer (Elementary),
Tiruvarur Education District,
Tiruvarur.
4. The Block Educational Officer,
Mannargudi Block,
Mannargudi - 614 001.
Tiruvarur District.



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5. The Correspondent,
Allaudin Government Aided Primary School,
Nagangudi - 614 101.
Koothanallur Taluk,
Tirurvarur District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus to call for the records relating the impugned proceedings issued by the 4th respondent in Na.Ka.No.399/A5/2024 dated 15.07.2024 and to quash the same insofar as insisting TET qualification is concerned and consequently direct the respondents 3 and 4 to pass orders for granting approval of promotion of the petitioner in the post of Headmaster in the fifth respondent school with effect from 01.02.2024 with all consequential and other attendant benefits, including payment of arrears of salary, based on the proposal resubmitted by the fifth respondent school dated 16.09.2024.

For Petitioner : Ms.J.Jayamalan

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

ORDER

This writ petition has been filed challenging the proceedings of the fourth respondent dated 15.07.2024 insofar as insisting the TET qualification and for a consequential direction to respondents 3 and 4 to



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grant approval for promotion of the petitioner to the post of Headmaster in the fifth respondent school with effect from 01.02.2024 with all attendant benefits.

2. Heard Ms.J.Jayamalan, learned counsel for petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing for respondents 1 to 4.

3. The case of the petitioner is that she was promoted to the post of Headmaster Teacher in the fifth respondent school with effect from 01.02.2024. The fifth respondent school forwarded the proposal to the official respondents seeking for approval for promotion of the petitioner as Headmaster with effect from 01.02.2024 along with all relevant documents. The grievance of the petitioner is that the fourth respondent, through the impugned proceedings dated 15.07.2024, returned the proposal by citing various reasons. The petitioner is only aggrieved by one of the reason cited by the fourth respondent to the effect that the petitioner must fulfil the TET qualification. It is under these circumstances, the present writ petition has been filed before this Court.

4. Taking into consideration the specific ground raised by the



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petitioner to the effect that the proceedings of the fourth respondent is challenged only with respect to insisting for TET qualification, this Court finds that the issue is squarely covered by the earlier judgment of this Court in W.A.No.313 of 2022 *etc.* dated 14.06.2023. This Court has categorically held that insofar as the minority institutions are concerned, TET qualification is not mandatory for being promoted as Headmaster. There is no dispute that the fifth respondent school is a minority school.

5. In the light of the above discussion, the impugned proceedings of the fourth respondent dated 15.07.2024 is interfered only insofar as insisting for TET qualification. The petitioner and the fifth respondent school shall satisfy all the other reasons that have been stated in the impugned proceedings and re-submit the proposal to the fourth respondent. In such an event, the respondents 3 and 4 shall deal with the same and grant approval for promotion of the petitioner to the post of Headmaster subject to the petitioner fulfilling all the other requirements. This process shall be completed by respondents 3 and 4 within a period of six (6) weeks from the date of receipt of a copy of this order.

In the result, this writ petition is allowed with the above



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direction. No costs. Consequently, connected miscellaneous petition is closed.

22.10.2024

Neutral Citation: Yes/No

Index: Yes/no

Speaking Order/Non-Speaking Order
gm

To

1. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
2. The Chief Educational Officer,
Tiruvarur District,
Tiruvarur.
3. The District Educational Officer,
Tiruvarur Education District,
Tiruvarur.
4. The Block Educational Officer,
Mannargudi Block,
Mannargudi - 614 001.
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5. The Correspondent,
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N.ANAND VENKATESH, J



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