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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.32315 of 2024
and W.M.P.No.35098 of 2024

J.Augustin Alfreed Rajendran

... Petitioner

Vs.

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

2.The Chief Educational Officer,
Cuddalore District,
Cuddalore.

3.The District Educational Officer (Secondary)
Cuddalore Educational District,
Cuddalore.

4.The Correspondent,
Danish Mission Higher Secondary School,
Nellikuppam, Cuddalore – 607 105.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating the impugned proceedings issued by the 3rd respondent issued proceedings in O.Mu.No.1496/A2/2023 dated 23.09.2024 and to quash the same in so far as



insisting TET qualification is concerned and consequently directing the respondents 2 and 3 to pass orders for granting approval of appointment of the petitioner in the sanctioned post of B.T. Assistant (Science) in the 4th Respondent School from the date of appointment with effect from 08.02.2023 with all consequential and other attendant benefits, including payment of arrears of salary from the date of appointment, based on the proposal resubmitted by the 4th respondent school dated 07.10.2024.

For Petitioners : Mr.Sarath Chandran

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 3rd respondent dated 23.09.2024 insofar insisting TET qualification for the purpose of granting approval for the appointment of the petitioner to the post of B.T. Assistant (Science) in the 4th respondent School.

2.Heard Mr.S.Sarath Chandran, learned counsel appearing on behalf of the petitioner and Mrs.S.Mythreye Chandru, learned Special Government Pleader appearing on behalf of the respondents 1 to 3.



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3.The case of the petitioner is that the 4th respondent School is a religious minority institution. A vacancy arose in the 4th respondent School to the post of B.T. Assistant (Science). The petitioner was selected and appointed in this vacancy w.e.f., 08.02.2023.

4.The 4th respondent School forwarded the proposal to the official respondents seeking for the approval of the appointment of the petitioner in the post of B.T. Assistant (Science). The 3rd respondent through proceedings dated 23.09.2024 has returned the proposal by citing various reasons. The grievance of the petitioner is only with regard to the insistence of TET qualification for the purpose of granting approval for the petitioner's appointment. It is under these circumstances, the present writ petition came to be filed before this Court.

5.In the considered view of this Court, the 3rd respondent cannot insist for TET qualification, since the 4th respondent School is a religious minority institution. The law on this issue has now been settled by the Division Bench of this Court in W.A.No.313 of 2022 etc., dated 14.06.2023.



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6. In view of the above, the impugned proceedings of the 3rd respondent dated 23.09.2024 is interfered insofar as insisting for TET qualification. The 4th respondent School shall re-present the proposal after complying with all the other conditions stipulated in the proceedings of the 3rd respondent. On receipt of the same, the 3rd respondent shall pass appropriate orders granting approval to the appointment of the petitioner, if the petitioner has satisfied all the other requirements. This process shall be completed by the 3rd respondent, within a period of six weeks from the date of receipt of copy of this order.

7. This writ petition is disposed of with the above directions. No Costs. Consequently, connected miscellaneous petition is closed.

29.10.2024

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



To

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N. ANAND VENKATESH, J.

SSI

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