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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 29.10.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.32346 of 2024

and WMP No.35126 of 2024

The Manager,
RC Schools, Salem Diocese Society,
(Salem Namakkal Districts)
Mary Palace, No.63, Thammannan Road,
Salem – 636 009

..Petitioner

Vs.

1. The State of Tamil nadu,
Rep. By its Secretary,
Department of School Education,
Fort St. George, Chennai 600 009
2. The Director of School Education,
College Road, Chennai 600 006.
3. The District Educational Officer (Elementary)
Tharamangalam,
Salem
4. The Block Educational Officer,
Kolathur, Salem – 636 303



... Respondents

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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents 3 and 4 to approve the promotion of Selvi C Santhi as Head Mistress in the Petitioner's Philomina's Middle School, Salem Camp, Mettur Dam, Salem District with effect from the date of her appointment viz., 10.06.2024 and release all consequential benefits with effect from the said date without insisting on the requirements of Teachers Eligibility Test (TET).

For Petitioner : Ms.H.MAry Sowmi Rexi
for M/s.Issac Chambers
For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader
for R1 to R4

ORDER

This writ petition has been filed for the issue of writ of Mandamus directing the respondents 3 and 4 to grant approval for the appointment to the post of Head Master with effect from the date of promotion viz., Selvi C Santhi and to release all the consequential benefits without insisting for the TET qualification.

2. Heard Ms.H.Mary Sowmi Rexi, learned counsel for the petitioner



and Mrs.S.Mythreye Chandru, learned Special Government Pleader for respondents 1 to 4.

3. The case of the petitioner is that the petitioner school promoted one Selvi C Santhi as Head Mistress in St.Philomina's Middle School, Salem, with effect from 10.06.2024. The proposal was forwarded to the 3rd respondent for granting approval for the appointment of the Head Mistress, who was promoted. No proceedings were issued by the respondents 3 and 4 on the proposal that was sent by the School. Hence, the present writ petition has been filed before this Court.

4. In the considered view of this Court, the proposal that has been forwarded by the petitioner seeking for approval of the appointment of the Head Mistress who was promoted, has to be dealt with without insisting for TET qualification. The petitioner is admittedly a minority institution and therefore, as per the judgement of the Division Bench in W.A. No.313 of 2023 dated 02.06.2023., TET cannot be insisted for minority institutions.



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5. In view of the above, there shall be a direction to the respondents 3 and 4 to deal with the proposal that has been submitted by the petitioner seeking for approval of the appointment of the Head Mistress and the said approval shall be granted subject to the concerned candidate fulfilling all the other requirements and it is also made clear that TET qualification will not be insisted. Proceedings shall be issued within a period of six weeks.

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

29.10.2024

Internet : Yes/No
Index : Yes/No
Speaking Order / Non Speaking Order
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N. ANAND VENKATESH, J.

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