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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.32350 of 2024

and WMP No.35133 and 35134 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
Government Boys Higher Secondary School Campus,
Mohanur Namakkal Road,
Thillaipuram, Namakkal – 637 001
4. The Block Educational Officer,
Puduchathram, Namakkal District 637 018

... Respondents



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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 to the impugned order passed by the 4th respondent Block Educational Officer in O.Mu.No.1243/A4/2024 dated 02.08.2024 and quash the same and further direct the 3rd and 4th respondents to approve forthwith the promotion of Mrs.K.S.Emili as Headmistress in the petitioner's Punitha Saveriyar RC Aided School, Kosavampatti, Namakkal District with effect from the date of her appointment viz 11.06.2024 and release all consequential benefits with effect from the said date without insisting on the requirement 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 challenging the impugned proceedings of the 4th respondent in O.Mu.No.1243/A4/2024 dated 02.08.2024 and for a consequential direction to the respondents 3 and 4 to approve the promotion to the post of Headmistress from the date of promotion and to release all the consequential benefits without insisting on the requirement of Teachers Eligibility Test.



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 Mrs.K.S.Emili as Head Mistress in Punitha Saveriyar RC Aided Primary School, Kosavampatti, Namakkal District, with effect from 10.06.2024. The proposal that was forwarded by the petitioner came to be returned back through the impugned proceedings of the 4th respondent dated 02.08.2024, by insisting for TET qualification. It is under these circumstances, 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, the impugned proceedings of the 4th respondent in O.Mu.No.1243/A4/2024 dated 02.08.2024, is hereby quashed insofar as insisting for TET qualification is concerned. There shall be a direction to the petitioner school to resubmit the proposal to the 3rd respondent, who in turn shall forward the same to the 4th respondent. The respondents 3 and 4 shall grant necessary approval subject to the concerned candidate fulfilling all the other requirements. It is made clear that the TET will not be insisted for minority institutions. The proceedings shall be issued in this regard within a period of six weeks from the date of receipt of a copy of this order.

6. In the result, this writ petition is allowed with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.

29.10.2024

Internet : Yes/No
Index : Yes/No
Speaking Order / Non Speaking Order
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To



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2. The Director of School Education,
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3. The District Educational Officer
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4. The Block Educational Officer,
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N. ANAND VENKATESH, J.
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