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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 23.10.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.32179 of 2023

and WMP Nos.31775 & 31783 of 2023

The Correspondent,
St. Joseph's Primary School,
Kumaran Road,
Tiruppur – 641 601

..Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By its Secretary,
Department of School Education,
Fort St. George, Chennai 600 009
2. The Commissioner of Elementary Education,
College Road, Chennai 600 006.
3. The District Educational Officer (Elementary)
Municipal Middle School,
Old Town Campus,
Tiruppur – 641 604
4. The Block Educational Officer,
Kumaran Road,
Tiruppur North,



Tiruppur – 641 601

... 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 issued by the 4th respondent Block Educational Officer in Na.Ka.No. 1084/A2/2022 dated .08.2022, quash the same and further direct the 4th respondent Block Educational Officer to approve forthwith the appointment of the Sr.Susheela as Secondary Grade Teacher in the petitioner school w.e.f. the date of her appointment viz., 14.06.2017, and release salary and others benefits from the said date.

For Petitioner : Ms.H.Mary Sowmi Rexi
for Issac Chambers

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned proceedings of the 4th respondent dated ..08.2022 and for a consequential direction to the 4th respondent to approve the appointment of the Secondary grade teacher with effect from 14.06.2017 and to release the salary and other attendant benefits.



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 is an aided minority school. There are totally seven sanctioned posts of secondary grade teachers and one such post fell vacant due to the death of the incumbent. In that vacancy, one Margret Mary was appointed as Secondary Grade Teacher with effect from 07.06.2016. Thereafter, the said teacher was relieved from service on 13.06.2017 since she was sent for religious studies. In view of the same, the vacancy continued and the petitioner school appointed one Susheela as Secondary grade teacher with effect from 14.06.2017. The proposal was submitted to the 3rd respondent through the 4th respondent for approval of the appointment.

4. The proposal has now been rejected by the 4th respondent through the impugned proceedings on the ground that the teacher does not have the TET qualification.



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5. In the considered view of this Court, the petitioner school is an aided minority school. Therefore, in the light of the judgement of the Division Bench in WA Nos.313 etc., 2022 dated 14.06.2023, TET qualification cannot be insisted for minority institutions. Therefore, the impugned proceedings of the 4th respondent is liable to be interfered by this Court.

6. In the light of the above discussion, the impugned proceedings of the 4th respondent dated ...08.2022 is hereby quashed. There shall be a direction to the petitioner school to resubmit the proposal to the 4th respondent and in turn, the 4th respondent shall forward the same to the 3rd respondent. The 3rd respondent shall pass appropriate orders with respect to the appointment of the Secondary grade teacher with effect from 14.06.2017, if the teacher is otherwise qualified. This process shall be completed within a period of six weeks from the date of receipt of a copy of this order.



7. In the result, this writ petition is allowed with the above directions.

No costs. Consequently, the connected miscellaneous petitions are closed.

23.10.2024

Internet : Yes/No

Index : Yes/No

Speaking Order / Non Speaking Order

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To

1. The State of Tamil Nadu,
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N. ANAND VENKATESH, J.

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