



W.P.(MD).No.7948 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 29.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

**W.P.(MD).No.7948 of 2024
and WMP(MD).Nos.7215 & 7217 of 2024**

The Correspondent
St.Ignatius Convent Higher Secondary School
Palayamkottai 627 002
Tirunelveli District

....Petitioner

Vs

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

2.The Chief Educational Officer
Tirunelveli, Tirunelveli District

3.The District Educational Officer
Tirunelveli, Tirunelveli District

....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the second respondent CEO in Oo.Mu.No.2367/A4/2023 dated 03.11.2023 quash the same and further direct the second respondent CEO to approve the appointment of Tmt.J.Amala Jone Leeba as B.T.Assistant (History) in the petitioner School with effect from the date of her appointment ie.21.09.2017, with all attendant benefits including the arrears of salary thereon.



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For Petitioner : Mr..M.F.Rooshi Maas
For M/s.Isaac Chambers

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by a management of an aided minority institution challenging the order passed by the second respondent wherein the appointment of one Tmt.J.Amala Jone Leebe as B.T.Assistant (History) has not been approved by the authorities.

2.A perusal of the impugned order dated 03.11.2023 reveals that the proposal forwarded by the management has been rejected on the sole ground that the appointee has not passed Teachers Eligibility Test (TET) examination. Challenging the said order, the present writ petition has been filed.

3.According to the learned counsel for the writ petitioner, the petitioner management is an aided minority institution and therefore, pass in TET is not mandatory for being appointed as teacher in the said institution.

4.However, the learned Additional Government Pleader appearing for the respondents herein has stated that unless the teacher passes TET examination, the appointment order of the management cannot be approved by the authorities.



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5.I have considered the submissions made on either side and perused the material records.

6.This issue is no longer res integra. The Hon'ble Division Bench of our High Court in a judgment reported in **2023-3-LW-112 (The Director of School Education D.P.I. Campus, College Road & others Vs. M.Velayutham & another)** in Paragraph No.74(c) has categorically held that a post in TET examination is not mandatory for being appointed in the minority institution. Therefore, the order impugned in the writ petition is set aside and the second respondent is directed to approve the appointment of the writ petitioner and pass orders within a period of 12 weeks from the date of receipt of a copy of this order.

7.In fine, this writ petition stands allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petitions are closed.

29.11.2024

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
msa



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R.VIJAYAKUMAR, J.

msa

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