



W.A.(MD).No.2358 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.2358 of 2024
and
C.M.P.(MD).No.16342 of 2024

1.The District Educational Officer,
O/o.The District Educational Officer,
Karur,
Karur District.

2.The Block Educational Officer,
O/o. Block Educational Officer,
Aravakurichi,
Karur District.

... Appellants/Respondents 1 & 2

Vs.

1.S.Nasreen Banu,
Secondary Grade Teacher,
Uswathun Hasana Oriental
Arabic Aided Primary School,
Pallapatti,
Karur District.

... 1st Respondent/Writ Petitioner

2.The Correspondent,
Uswathun Hasana Oriental
Arabic Aided Primary School,
Pallapatti,
Karur District.

... 2nd Respondent/3rd Respondent



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 12.12.2023 in W.P.(MD).No.29064 of 2023 on the file of this Court.

For Appellants : Mr.J.Ashok
Additional Government Pleader

For Respondents : Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

JUDGMENT

(Judgment of the Court was made by M.S.RAMESH,J.)

The present Writ Appeal has been filed challenging the order passed by the learned Single Judge in W.P.(MD).No.29064 of 2023 dated 12.12.2023.

2. On the ground that there are surplus teachers in the other schools in the District, the request for approval of appointment has been rejected, which order was put to challenge before the learned Single Judge.

3. Considering the fact that the school is a minority stand alone school and the appellant has been appointed within the sanctioned strength for the



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academic year, the learned Single Judge had allowed the Writ Petition and directed the appellants to consider the approval of appointment of the concerned teacher as Secondary Grade Teacher. The order of the Writ Court is assailed in this intra-court appeal.

4. The issue as to whether the educational authorities are empowered to reject the approval of appointment of a teacher in a minority school on the ground that there are surplus teachers in the other schools in the District, has already been dealt with by this Court in several decisions including the decision in *Iruthaya Amali's* case. One such decision was by a co-ordinate Bench of this Court in the case of the ***Chief Educational Officer, Tirunelveli District and another Vs. A.X.Mino and another*** passed in ***W.A.(MD).No.1855 of 2024 dated 16.10.2024***. Hence, the learned Single Judge had held that the educational authorities cannot reject the application seeking for approval of appointments on this ground. In this background, we do not find any reason to interfere with the order of the learned Single Judge.

5. The other ground on which approval of appointment of the Teacher in the respondent school was rejected is that the Teacher does not possess a pass in



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the Teacher's Eligibility Test (TET). This Court in exercise of its powers under

Article 226 of the Constitution of India has been consistently holding that a pass in the Teacher's Eligibility Test is not a mandatory pre-requirement for appointment of a Teacher in a minority school and that the educational authorities have no authority to reject a proposal for approval of such appointment made. The orders of the Division Benches of this Court in **W.A.No.179 of 2024**, dated **22.01.2024** [*The Government of Tamil Nadu, Rep. by its Additional Chief Secretary, Department of School Education and others vs. T.Selvarani and another*] and in **W.A.(MD)No.670 of 2024**, dated **12.04.2024** [*The District Educational Officer, Sivagangai and another vs. Y.Joseph Mercy Rani and another*], are two such orders, wherein, this ratio has been upheld.

6. When coordinate Benches have already taken such a view, we see no justification on the part of the authorities in having rejected the proposal of the minority schools seeking for approval of the appointments made. Hence, we do not find any merits in the Writ Appeal.



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7. Accordingly, the Writ Appeal stands dismissed. There shall be no order

as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
18.11.2024

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