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W.P.(MD) No.5648 of 2019

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 24.09.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE**

**W.P.(MD) No.5648 of 2019**

Little Flower Middle School  
rep.by its Correspondent  
Rose Lawrence  
Lourdu Nagar  
Pudukkottai

... Petitioner

-VS-

1.The District Educational Officer  
Pudukkottai

2.The District Elementary  
Educational Officer  
Pudukkottai

3.The Assistant Elementary  
Educational Officer  
Pudukkottai

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus by calling for records relating to the impugned order passed by the first respondent, quash the same and



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consequently direct the first respondent to approve the appointment made by the petitioner to Miss.Punitha and disburse the salary from 20.10.2017 along with increment.

For Petitioner : Mr.D.Srinivasaragavan

For Respondents : Mr.T.Amjad Khan  
Government Advocate

### **ORDER**

This writ petition has been filed challenging the impugned order, dated 26.12.2018, passed by the first respondent, rejecting the proposal submitted by the petitioner – School seeking approval for the appointment of Ms.Punitha as a Secondary Grade Teacher.

**2.** Under the impugned order, the proposal submitted by the petitioner – School has been rejected, on the ground that Ms.Punitha has not passed the Teacher Eligibility Test (TET). Admittedly, the petitioner – School is a Minority Institution. The same has also not been disputed by the respondents as seen from their counter affidavit. However, they have raised other contentions in their counter affidavit. But, under the impugned order,



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the only ground for rejecting the proposal submitted by the petitioner – School is that Ms.Punitha has not passed the Teacher Eligibility Test. In view of the same, the impugned order has to be necessarily quashed, since the said order has been passed contrary to the well settled law, which makes it clear that insofar as a Minority Institution is concerned, pass in Teacher Eligibility Test is not necessary.

**3.** For the foregoing reasons, the impugned order passed by the first respondent, dated 26.12.2018, has to be quashed and the matter has to be remanded back to the respondents for fresh consideration on merits and in accordance with law in respect of the proposal submitted by the petitioner – School without insisting upon pass in the Teacher Eligibility Test in respect of the said Ms.Punitha, who has been appointed by the petitioner – School as a Secondary Grade Teacher with effect from 20.10.2017.

**4.** In the result, the impugned order, dated 26.12.2018, passed by the first respondent, is hereby quashed and the matter is remanded back to the first respondent for fresh consideration of the proposal sent by the petitioner – School seeking approval for the appointment of Ms.Punitha as a



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Secondary Grade Teacher with effect from 20.10.2017. The first respondent is directed to pass final orders within a period of twelve weeks from the date of receipt of a copy of this order, without insisting for pass in the Teacher Eligibility Test for Ms.Punitha. If the said Ms.Punitha is otherwise eligible, the respondents are directed to grant approval for her appointment with effect from 20.10.2017 as a Secondary Grade Teacher.

**5.** With the above directions, this writ petition is disposed of. No costs.

**24.09.2024**

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

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To:

- 1.The District Educational Officer,  
Pudukkottai.
- 2.The District Elementary  
Educational Officer,  
Pudukkottai.
- 3.The Assistant Elementary  
Educational Officer,  
Pudukkottai.



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**ABDUL QUDDHOSE, J.**

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