



W.A.(MD).Nos.700 and 709 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A.(MD).Nos.700 and 709 of 2022
and
C.M.P.(MD)Nos.5887 and 5947 of 2022**

W.P.(MD)No.700 of 2022 :-

- 1.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 Chief Educational Officer,
Ramnad, Ramnad District.
- 4.The District Educational Officer,
Paramakudi,
Ramnad District.

... Appellants

-VS-

- 1.M.Vasanth
- 2.The Correspondent,
Sacred Heart Higher Secondary School,
Thiruvarangam – 623712.,
Ramanathapuram District.

... Respondents



W.A.(MD).Nos.700 and 709 of 2022

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.10421 of 2019, dated 27.04.2019.

For Appellant : Mr.S.P.Maharajan
Special Government Pleader
For Respondents : Mr.Ragatheesh Kumar

W.P.(MD)No.709 of 2022 :-

1.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,
Paramakudi,
Ramnad District.

... Appellants

-vs-

1.Arul Jeyarani

2.The Correspondent,
Sacred Heart Higher Secondary School,
Thiruvarangam – 623712.,
Ramanathapuram District.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.10422 of 2019, dated 27.04.2019.

For Appellants : Mr.S.P.Maharajan
Special Government Pleader
For Respondents : Mr.Ragatheesh Kumar



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COMMON JUDGMENT

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[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The appointment of the 1st respondent in both appeals was not approved resulting in non opening of service register, this also resulted in annual increments not being paid. The 1st respondent in both the appeals were appointed as Tamil Pandit in the 2nd respondent School. The claim for approval was rejected and then the School filed the Writ Petition in W.P. (MD)No.830 of 2016, which was disposed of on 14.07.2016, directing the payment of salary alone, citing the pendency of ***Ashwinithanappan v. Director of Education and another*** reported in **(2014) 8 SCC 272**, before the Hon'ble Supreme Court. Thereafter, the representation was made by the School, seeking increment and opening of service register. The said request was rejected, resulting in the instant Writ Petition. The Writ Court had taken note of the Judgment of the Hon'ble Division Bench of this Court in ***Manager and Correspondent, Carpenter Street Middle School, Gopalsamy Street, Tuticorin District – 628 001 v. The State of Tamil Nadu, Rep. By its Secretary, Department of School Education***, wherein it was held that Teacher Eligibility Test is not required for appointment of Teacher in the Minority Schools and had directed payment of increments. Aggrieved the State is on Appeal.



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2.The issue raised is governed by several judgments of this Court, wherein it is repeatedly pointed out Teacher Eligibility Test cannot be insisted upon for the Teachers appointed in Minority Schools. We therefore, see no reason to interfere with the order of the learned Single Judge. The authorities will work out the annual increments and pay the same to the 1st respondent within a period of 12 weeks from the date of receipt of copy of this order.

3.Hence, the Writ Appeals are dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

[R.S.M., J.] [L.V.G., J.]
29.10.2024

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



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To

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R.SUBRAMANIAN, J.
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L.VICTORIA GOWRI, J.

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