



W.A(MD)No.1230 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.07.2024

CORAM :

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.A(MD)No.1230 of 2024
and
CMP(MD)No.9423 of 2024**

1. The Director of Elementary Education,
College Road, Chennai-06.
2. The Chief Educational Officer,
Kanyakumari District at Nagercoil.
3. The District Educational Officer (Elementary),
Kanyakumari District at Nagercoil.
4. The Block Educational Officer,
Thuckalay,
Kanyakumari District.

... Appellants

vs.

1. F.Asha Rositta
2. The Correspondent,
RC Primary School,
Chemparuthivilai, Kanyakumari District.

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 29.11.2023 made in W.P(MD)No.10510 of 2023.



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For Appellants : Mr.S.Shaji Bino, Special Government Pleader
For R1 : Mr.S.Xavier Rajini

JUDGMENT

(Judgment of the Court was made by **R.SURESH KUMAR, J.**)

This appeal has been directed against the order passed by the Writ Court dated 29.11.2023 made in W.P(MD)No.10510 of 2023.

2. That, the respondent / writ petitioner was appointed as a Secondary Grade Teacher in the 2nd respondent school with effect from 12.04.2012. Thereafter, the school had sent the proposal to the appellants department for approval. However, the approval was given only with effect from 28.07.2014.

3. The reason for the said belated approval, according to the appellants department, was that, even though the writ petitioner was appointed in the year 2012, at that time, she was not qualified with TET. Subsequently she qualified with TET only in the year 2013 and thereafter only, after deployment of the teacher concerned, the approval has been given with effect from 28.07.2014.



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4. Aggrieved over the same, in fact, the respondent / writ petitioner had given a representation to give approval from the date of her original appointment and in order to consider the said application / representation, she has filed a writ petition in W.P(MD)No.27215 of 2022 seeking a Mandamus to approve the appointment of her from 12.04.2012. The Writ Court already passed an order on 01.12.2012 directing the District Educational Officer concerned to consider the representation of the respondent / writ petitioner and to pass orders.

5. However, once again, the impugned order in the writ petition has been passed reiterating the earlier position, by giving approval to the teacher only from 28.07.2014.

6. When that order was assailed before the Writ Court, the learned Judge hearing the counsel appearing for both sides, has come to a conclusion that, the issue raised in the said writ petition is covered by a decision of the Division Bench in the matter of ***The Director of School Education & Others vs. M.Velayutham & Another (W.A(MD)No.313 of 2022 and batch, dated 02.06.2023)*** where, it has been held that, insofar as the teacher who has been appointed in the minority institution even without the TET qualification, TET



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qualification cannot be insisted upon and such an appointment shall be approved from the date of her appointment, provided, if the teacher has been appointed in a sanctioned post.

7. Applying the said principle of the Division Bench, the learned Judge allowed the said writ petition by giving a direction to the appellants department to approve the appointment of the respondent / writ petitioner with effect from the original date of her appointment i.e., 12.04.2012.

8. Though Mr.S.Shaji Bino, learned Special Government Pleader appearing for the appellants has made an attempt to assail the order which is impugned herein passed by the Writ Court, we are not impressed with the submissions made by him for the reason that, the issue raised in this appeal has already been covered in number of cases followed by various decisions, including the decision referred to by the learned Judge in the very impugned order itself. When that being the position, sine admittedly the teacher has been appointed in a sanctioned post in the minority school, such an appointment shall be approved from the date of appointment i.e., 12.04.2012. The reason that, the teacher did not have the TET qualification shall not stand in the way in approving her appointment, as admittedly she was appointed in the minority



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school and therefore, since that issue has been covered by number of decisions of this Court, the appellants department cannot have any plausible reason to interfere with the conclusion arrived at by the learned Judge through the impugned order.

9. Resultantly, the Writ Appeal fails. Hence, it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.)

(G.A.M., J.)

26.07.2024

Index : Yes / No
Neutral Citation : Yes / No
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