



WP(MD) No.14181 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.14181 of 2024

Shyamala

... Petitioner

Vs.

1.District Educational Officer (Elementary),
Sivakasi Education District,
Sivakasi, Virudhunagar District.

2.Block Education Officer,
Vempakottai Union,
Sivakasi, Virudhunagar District.

3.The Correspondent,
Virudhunagar District,
SPM Primary School,
Anbin Nagaram,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to impugned proceedings No.O.Mu. 403/A1/2024 dated 04.04.2024 on the file of 1st respondent, District Educational Officer (Elementary), Sivakasi Education District, Sivakasi, Virudhunagar



WP(MD) No.14181 of 2024

District and quash the same and direct the 1st respondent to approve his appointment dated 01.02.2024 with all monetary benefits.

For Petitioner : Mr.J.Gunaseelan Muthiah

For Respondents : Mr.M.Siddharthan (R1 & R2)

Additional Government Pleader

ORDER

The writ petition has been filed challenging the impugned proceedings in No.O.Mu. 403/A1/2024 dated 04.04.2024 on the file of 1st respondent and seeking for a direction to the first respondent to approve his appointment dated 01.02.2024 with all monetary benefits.

2. Heard Mr.J.Gunaseelan Muthiah, learned counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader for the respondents 1 and 2.

3. By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself. Notice as against the third respondent is dispensed with, since no adverse order is going to be passed against him.



WP(MD) No.14181 of 2024

WEB COPY

4. The learned counsel appearing for the petitioner would submit that the petitioner was appointed by the third respondent's proceedings dated 01.02.2024 as Secondary Grade Teacher. The third respondent school sent a proposal to the first respondent by its proceedings dated 15.02.2024. The third respondent by the impugned proceedings dated 04.04.2024, returned the said proposal stating that the petitioner has not completed the Teacher Eligibility Test (TET).

5. The learned counsel appearing for the petitioner would further submit that the third respondent school is the Minority Institution and passing of Teacher Eligibility Test is not necessary in respect of the Teachers employed in Minority Institution. Reliance was made to the judgment of this Court in W.A(MD)Nos.791 and 794 to 796 of 2020, dated 09.09.2020.

6. The learned Additional Government Pleader appearing for the respondents 1 and 2 would fairly submit that he has already gone through the judgment referred by the petitioner. In case, if the Court



WP(MD) No.14181 of 2024

passes any order to reconsider the proposal sent by the petitioner School in the light of the order passed by this Court in W.A(MD) Nos.791 and 794 to 796 of 2020, dated 09.09.2020, the same will be considered on merits and in accordance with law.

7. On perusal of the order passed by this Court in W.A(MD)Nos. 791 and 794 to 796 of 2020, dated 09.09.2020, furnished by the petitioner, it appears that G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011, will not be applicable for the Teachers who are working in the Minority Institutions and they need not to pass Teacher Eligibility Test (TET). Therefore, the first respondent cannot refuse the proposal sent by the third respondent School stating that the petitioner has not completed the TET examination.

8. In view of the above, this Writ Petition is allowed and the impugned order passed by the first respondent in No.O.Mu. 403/A1/2024 dated 04.04.2024 is set aside and the matter is remanded back to the first respondent for fresh consideration in the light of the order passed by this Court W.A(MD)Nos.791 and 794 to 796 of 2020,



WP(MD) No.14181 of 2024

dated 09.09.2020. The petitioner is directed to file all the documents before the first respondent within a period two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent shall reconsider the proposal sent by the third respondent School dated 15.02.2024 and to provide all monetary benefits, within a period of four weeks thereafter. No costs.

01.07.2024

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

sm

To

1.District Educational Officer (Elementary),
Sivakasi Education District,
Sivakasi, Virudhunagar District.

2.Block Education Officer,
Vempakottai Union,
Sivakasi, Virudhunagar District.



WEB COPY



WP(MD) No.14181 of 2024

R.N.MANJULA, J.

sm

Order made in
W.P.(MD)No.14181 of 2024

01.07.2024