



W.P.(MD).No.14545 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.07.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.14545 of 2024

and

W.M.P.(MD).No.12767 of 2024

Savarinayagm Primary School
Manickaapuram-625 582
Theni District
Rep., by its Secretary & Correspondent
V.Anthony Manuelraj

... Petitioner

Vs.

- 1.The State of Tamil Nadu
rep., by its Secretary
Department of School Educational
Secretariat, Fort St.George,
Chennai -9.
- 2.The Director of Elementary Education,
DPI Campus, Chennai -6.
- 3.The District Elementary Educational Officer,
Theni District.
- 4.The Additional Assistant Elementary
Educational Officer,
Bodinaickanoor, Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the



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records relating to the order passed by the third respondent in his proceedings in O.Mu.No.954/A5/2024, dated 13.06.2024 and quash the same as illegal and consequent direction may be issued to the respondents to approve the appointment of V.Thiraviam as a Head Master from the date of his appointment from 01.08.2016 in petitioner's school as Secondary Grade Teacher and from 01.08.2021 as Head Master and to pay all the monetary and service benefits with arrears within stipulated time.

For Petitioner : Mr.T.Augustine Ebenezer

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. Heard Mr.T.Augustine Ebenezer, learned counsel for the petitioner and Mr.T.Amjad Khan, learned Government Advocate, who takes notice for the respondents.

3. The writ petition has been filed by the petitioner/School seeking a Writ of Certiorarified Mandamus to call for the records relating to the



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order passed by the third respondent in his proceedings in O.Mu.No. 954/A5/2024, dated 13.06.2024 and quash the same as illegal and consequent direction to the respondents to approve the appointment of V.Thiraviam as a Head Master from the date of his appointment from 01.08.2016 in petitioner's school as Secondary Grade Teacher and from 01.08.2021 as Head Master and to pay all the monetary and service benefits with arrears within stipulated time.

4. One V.Thiraviam has been appointed as Headmaster in the petitioner School, which is a Christian minority private aided school, on 01.08.2016. The petitioner School had sent a proposal to the third respondent for approval of appointment of one V.Thiraviam. However, the fourth respondent vide proceedings dated 22.11.2016 has returned the proposal mentioning some discrepancies. Challenging the above, the petitioner has filed a writ petition before this Court in W.P.(MD)No. 19494 of 2017, wherein, by order dated 22.11.2017, the petitioner School was directed to re-submit the proposal by rectifying the defects and thereafter, the respondents were directed to pass appropriate orders. Accordingly, the petitioner School had re-submitted the proposal to the third respondent and the same was returned. Again, the petitioner



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School sent a proposal and the same was returned by the third respondent vide impugned order dated 13.06.2024 seeking details of T.E.T qualification of one V.Thiraviam. Challenging the same, this writ petition is filed.

5. The legal issue whether a pass in Teacher Eligibility Test is mandate for approval of appointment in minority schools has already been dealt with elaborately by the Hon'ble Division Bench of the Principal Seat of this Court in W.A.No.313 of 2022 etc., batch by order dated 02.06.2023, wherein in paragraph no.71.1, it is held as follows.

“C. W.A.Nos.19, 31, 32, 36 of 2023:

WHETHER TET IS A NECESSARY MANDATE FOR TEACHERS APPOINTED IN MINORITY SCHOOLS

71.1. A perusal of the orders impugned in the writ petitions leading to these writ appeals would indicate that the fact that the teachers, in respect of whom approval of appointment was sought for by the school, did not possess TET pass eligibility was not a ground for refusal for grant of appointment approval, nor was it an issue raised before the Learned Single Judge at the time of disposal of the writ petitions. Only in the writ appeals, the State Government has raised an additional ground that the teachers whose appointment approval was sought for, did not possess TET. Notwithstanding the same, it is hereby clarified that by virtue



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of the judgment of the Constitution Bench of the Hon'ble Supreme Court in Pramati Educational and Cultural Trust & Ors. v. Union of India, [(2014) 8 SCC 1], wherein it was held that the RTE Act, 2009 insofar as it applies to minority schools, aided or unaided, covered under Article 30(1) is ultravires the Constitution, meaning thereby that the 2009 Act will not apply to minority schools, the eligibility of TET pass as required for appointment of teachers in non-minority schools, will not apply to minority schools. In other words, the approval of appointment of teachers in minority schools, both aided and unaided, cannot be refused or rejected on the ground that they do not possess a pass in TET. Further this specific issue is also pending consideration before the Supreme Court and the law laid down by the Supreme Court in Pramati Educational and Cultural Trust, cited supra, holds the field as on today. For these reasons, the order of the Learned Judge in the writ petitions is affirmed and the above four writ appeals are dismissed."

6. In the instant case, by impugned order the third respondent returned the proposal seeking details of T.E.T qualification of one V.Thiraviam, who was appointed in the petitioner minority school. However, in the above Judgment, it is made crystal clear that Teacher Eligibility Test clearance is not required for granting approval to appointment of teachers in the minority schools (both aided and unaided).



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7. In view of the same, the writ petition is allowed and the impugned order passed by the third respondent in O.Mu.No. 954/A5/2024, dated 13.06.2024 is quashed and the respondents are directed to approve the appointment of V.Thiraviam as a Head Master from the date of his appointment from 01.08.2016 in petitioner's school as Secondary Grade Teacher and from 01.08.2021 as Head Master and to pay all the monetary and service benefits. No costs. Consequently, connected Miscellaneous Petition is closed.

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NCC:yes/no

Index:yes/no

Internet:yes/no

Rmk

To:

1.The Secretary

Department of School Educational

Secretariat, Fort St.George,

Chennai -9.

2.The Director of Elementary Education,

DPI Campus, Chennai -6.

3.The District Elementary Educational Officer,

Theni District.

4.The Additional Assistant Elementary

Educational Officer,



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R.N.MANJULA, J.

Rmk

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