



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

**DATED : 27.11.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**AND**

**THE HON'BLE MS.JUSTICE R. POORNIMA**

**REV.APLC.(MD)No.24 of 2023 IN**

**W.A.(MD)No.1222 of 2019 &**

**C.M.P.(MD)No.4464 of 2023**

1. The 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,  
Tuticorin – 628 002,  
Tuticorin District.
4. The District Educational Officer,  
Tuticorin at Pudukottai,  
Tuticorin District. ... Review Appellants / Appellants

**Vs.**

R.Emerson Udaisingh,  
Manager and Correspondent,  
C.M.High School, T.R.Naidu Street,  
Tuticorin, Tuticorin District. ... Respondent / Respondent



**Prayer:** Review application filed under Section 114 r/w. Order 47 Rule 1 and 2 CPC, to review the order dated 15.11.2019 passed in W.A.(MD)No.1222 of 2019 on the file of this Court and set aside the same.

For Appellant : Mr.V.Om.Prakash,  
Government Advocate.

For Respondent : Mr.K.Ragatheesh Kumar

\* \* \*

### **J U D G M E N T**

**(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)**

Heard both sides.

2. The management of C.M.High School, Tuticorin appointed Tmt.B.Antony Mercy Maria Hemi as B.T.Assistant(Science) in their school with effect from 02.07.2018. Her appointment was made in the vacancy caused by the voluntary retirement of a secondary teacher on 30.06.2018. Proposal was submitted for approval of appointment. On 10.10.2018, the proposal was returned by citing the following reasons:-

“a) Prior permission of the Chief Educational Officer, Tuticorin was not obtained for appointing B.T.Assistant in the vacancy caused by the voluntary retirement of the secondary grade teacher.



b) The appointee ought to have TET

qualification.”

3. The proposal was resubmitted with an explanation on 07.11.2018. On 25.02.2019, the District Educational Officer, Tuticorin again returned the proposal on the ground that the appointee does not have TET qualification and hence, approval cannot be granted. Challenging the same, the management filed W.P.(MD)No.5401 of 2019. It was allowed on 07.03.2019. Challenging the same, the Government filed W.A.(MD)No.1222 of 2019. The writ appeal was dismissed on 15.11.2019. The said order is now sought to be reviewed.

4.It is true that the Hon'ble Division Bench of this Court of which one of us is a party vide order dated **06.06.2023 in Rev.Aplc(MD).No.136 of 2022 (The State of Tamil Nadu V. I. Jesu Praba)** had specifically directed that the vacancy in teaching posts can be filled up by managements only after getting prior permission from the department. But it is in respect of future vacancies. The order dated **06.06.2023** passed by the Hon'ble Division Bench in **Rev.Aplc(MD).No. 136 of 2022 (The State of Tamil Nadu V. I. Jesu Praba)** is not applicable to the case on hand.



5. Though the learned Government Advocate wanted to expand the scope of arguments, we decline to go into the same. It is well settled that a teacher working in a minority institution need not have TET qualification. The school in question is a minority institution. There is no reason to interfere with the impugned order. The order dated 15.11.2019 passed by the Hon'ble Division Bench in W.A.(MD)No.1222 of 2019 does not suffer from any error apparent on the face of record. This petition is bereft of merits. This review application is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)**  
**27<sup>th</sup> November 2024**

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



WEB COPY



5

REV.APLC.(MD)NO.24 OF 2023

**G.R.SWAMINATHAN,J.**

**AND**

**R.POORNIMA, J.**

PMU

**REV.APLC.(MD)No.24 of 2023 IN**  
**W.A.(MD)No.1222 of 2019**

**27.11.2024**