



W.A.(MD).No.2147 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.10.2024

CORAM:

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

**W.A.(MD).No.2147 of 2024
and
C.M.P.(MD)No.15135 of 2024**

The Correspondent,
St.Anne's Higher Secondary School,
Rajakrishnapuram – 627 114,
Tiruenveli District.

... Appellant

-VS-

- 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,
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,
Cheranmahadevi – 627 001,
Tirunelveli District.

... Respondents



W.A.(MD).No.2147 of 2024

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.8071 of 2016, dated 20.04.2023.

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

JUDGMENT

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

Mr.S.P.Maharajan, learned Special Government Pleader takes notice for the respondents.

2.The Writ Petition, challenging the order of rejection of claim of approval of appointment of one E.Jessi Vimala Rani in the appellant School by the 4th respondent was subject matter of challenge in the Writ Petition. The learned Single Judge held that since the Teacher does not have Teacher Eligibility Test qualification, the authorities were justified in rejecting approval. Pursuant to the interim order passed in the Writ Petition, the salary was released. The Writ Petition came to be dismissed on the conclusion that even for appointments in minority institution, the candidate must possess Teacher Eligibility Test qualification. This conclusion of the learned Single Judge is against several pronouncements of the Hon'ble Division Benches of this Court.



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3.We had in W.A.(MD)No.1228 of 2022, reiterated the said position that the Teacher Eligibility Test is not an essential qualification for teaching staff in minority institution.

4.In view of the same, the Writ Appeal is allowed. Orders of the writ court and the District Educational Officer dated 26.01.2016, will stand set aside. There will be a direction to the respondents to approve the appointment of the Teacher within a period of 12 weeks from the date of receipt of copy of the order. It is made clear that the Teacher is entitled to salary along with all service benefits including increments. No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.] [L.V.G., J.]
24.10.2024

NCC :Yes/No

Index :Yes/No

Internet: Yes

Mrn

To

- 1.The 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,
Tirunelveli, Tirunelveli District.
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