



W.A.(MD)No.1970 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 22.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.A.(MD)No.1970 of 2021

and

C.M.P(MD)No.8900 of 2021

1.The Chief Educational Officer,
Tuticorin District,
Tuticorin - 628 002.

2.The District Educational Officer,
Tiruchendur – 628 215,
Tuticorin District.

... Appellants / Respondents 1 & 2

Vs.

1.Central Higher Secondary School,
Kayalpatnam – 628 204,
Tuticorin District,
Rep. by its Correspondent.

... 1st Respondent / Writ Petitioner

2.R. Pavithra Devi,
B.T. Assistant (English),
Central Higher Secondary School,
Kayalpatnam – 628 204,
Tuticorin District.

... 2nd Respondent / 3rd Respondent



W.A.(MD)No.1970 of 2021

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to set aside the order dated 23.06.2021 passed in W.P.(MD)No.22413 of 2019 and allow the writ appeal.

For Appellants : Mr.V.OM.Prakash,
Government Advocate.

For Respondents : Mr.M.E.Ilango for R1

JUDGMENT

(Judgment of the court was delivered by G.R.Swaminathan, J.)

Heard both sides.

2.The second respondent herein was appointed as B.T.Assistant (English) in Central Higher Secondary School, Kayalpatinam with effect from 01.07.2019. When proposal for approving the appointment was submitted, it was returned by the District Educational Officer, Tiruchendur with the stipulation that certificate indicating that the appointee has passed TET must be enclosed. In this case, the appointee has not cleared TET.



W.A.(MD)No.1970 of 2021

3.In this background, the school management filed W.P.(MD)No.22413 of 2019. The writ petition was allowed vide order dated 23.06.2021. Challenging the same, the department has filed this intra-court appeal.

4.In more than one decision, the Hon'ble Division Bench of this Court had held that it is not necessary for teachers in schools run by aided minority institutions to secure a pass in Teacher Eligibility Test for approval of their appointment. Copy of the order dated 27.11.2019 render in W.A.(MD)Nos.1416 to 1419 of 2019 in support of this proposition has been enclosed.

5.The order allowing the writ petition is in tune with the aforesaid decision of the Hon'ble Division Bench. We do not find any ground interfere with the impugned order. The writ appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.P. J.)
22.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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3/5



W.A.(MD)No.1970 of 2021

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W.A.(MD)No.1970 of 2021

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(1/2)