



W.A(MD)No.1800 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2024

CORAM:

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

**W.A(MD)No.1800 of 2024
and
C.M.P.(MD)No.13689 of 2024**

- 1.The Secretary to the Government,
Department of School Education,
St. George Fort, Chennai.
- 2.The Director of School Education,
DPI Compound,
College Road,
Chennai.
- 3.The Chief Educational Officer,
Tenkasi,
Tenkasi District.
- 4.The District Educational Officer,
Tenkasi, Tenkasi District. ... Appellants / Respondents 1 to 4

-VS-

- 1.Anitha ... 1st Respondent/ Writ Petitioner
- 2.The Manager,
St.Antony's Girls Higher Secondary
School,
Veerakaralampudur,
Tenkasi District. ... 2nd Respondent/ 5th Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, to set aside the



W.A(MD)No.1800 of 2024

order dated 06.12.2023 in W.P.(MD)No.19686 of 2023.

WEB COPY

For Appellants : Mr.S.P.Maharajan,
Special Government Pleader

For R-1 : Mr.T.Pon Ramkumar

JUDGMENT

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

The approval sought for by the 2nd respondent for the appointment of the 1st respondent as Graduate Teacher in English was rejected on the ground that there are surplus teachers in schools run by other corporate management in the district and that she does not possess TET qualification.

2. The 1st respondent was appointed on 01.08.2019. The 2nd respondent school is a stand alone minority institution. This Court has held that there is no prohibition for appointment to the sanctioned post in the stand alone minority institution unless it is shown that there are surplus teachers in the very school itself. Further, it is also the consistent view of this Court that a pass in Teacher Eligibility Test is not an essential qualification for appointment as a teacher in a minority institution. Therefore, the basis of the rejection does not survive. The writ Court had taken note of these facts and had concluded that the refusal to approve is unjust.



W.A(MD)No.1800 of 2024

3. In view of the same, the writ appeal fails and it is accordingly dismissed. The respondents will approve the appointment, if not already done, with in a period of eight (8) weeks and pay the arrears of salary within twelve (12) weeks from the date of receipt of the copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

16.10.2024

NCC :Yes/No

Index :Yes/No

Internet: Yes

Sml

To

1.The Secretary to the Government,
Department of School Education,
St. George Fort, Chennai.

2.The Director of School Education,
DPI Compound,
College Road,
Chennai.

3.The Chief Educational Officer,
Tenkasi,
Tenkasi District.

4.The District Educational Officer,
Tenkasi, Tenkasi District.



WEB COPY



W.A(MD)No.1800 of 2024
R.SUBRAMANIAN, J.
and
L.VICTORIA GOWRI, J.

Sml

W.A(MD)No.1800 of 2024

16.10.2024