



WEB COPY



W.A(MD)No.2072 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

CORAM :

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

**W.A(MD)No.2072 of 2024
and
CMP(MD)No.14750 of 2024**

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

2. The District Educational Officer,
Tuticorin-628 215,
Tuticorin District.

... Appellants

vs.

1. Central Higher Secondary School,
Kayalpatnam-628 204,
Tuticorin District,
Represented by its Correspondent.

2. J Aysha Beevi

... Respondents

Prayer : Appeal filed under Clause 15 of Letters Patent, against the order made in W.P(MD)No.29907 of 2023 dated 18.12.2023.

For Appellants	: Mr.S.P.Maharajan, Special Government Pleader
For R1	: Mr.M.Jerin Mathew
For R2	: Mr.B.Subash



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JUDGMENT

(Judgment of the Court was made by **R.SUBRAMANIAN, J.**)

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The Writ Court had allowed the writ petition and directed approval of the appointment of the 2nd respondent as B.T. Assistant in Science in the 1st respondent school. The rejection was on the ground that the incumbent has not obtained TET qualification and there is a surplus. This Court has repeatedly held that TET qualification is not required for appointment in minority institutions and the question of surplus will not arise if the institution is a stand alone minority institution, unless it is shown that there are surplus teachers in the very institution. It is admitted that there are no surplus teachers in the 1st respondent school on the date of appointment of the 2nd respondent. Hence, the Writ Appeal is dismissed. The appellants will approve the appointment of the 2nd respondent within a period of twelve weeks from today and also pay all the salary and other benefits payable to her within the said period. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M, J.) (L.V.G, J.)
23.10.2024

Index : Yes / No
Neutral Citation : Yes / No
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JUDGMENT MADE IN
W.A(MD)No.2072 of 2024
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