



W.A(MD)No.1772 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.10.2024

CORAM :

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

**W.A(MD)No.1772 of 2024
and
C.M.P(MD)No.13544 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. Benazir

... Respondents

Prayer : Appeal filed under Clause 15 of the Letters Patent, against the order dated 15.12.2023 in W.P(MD)No.29620 of 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

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

Admittedly, the 1st respondent / writ petitioner is a stand alone minority institution. It sought for approval of the appointment of the 2nd respondent as B.T. Assistant in Mathematics in a sanctioned vacancy. The approval was rejected on the ground that there are surplus teachers in the district and that the 2nd respondent did not possess TET qualification. The Writ Court has allowed the writ petition on the ground that being a stand alone minority institution, the question of surplus will not arise unless it is shown that there was surplus teacher in that very institution. As regards the TET qualification, the learned Single Judge held that the same is not required for teachers appointed in minority institutions as held by this Court in several other earlier judgments.

2. Though Mr.S.P.Maharajan, learned Special Government Pleader would vehemently contend that the question relating to applicability of TET qualification is pending before the Hon'ble Supreme Court, we do not think we can wait for the Supreme Court to pronounce on the issue, since minority institution can appoint even persons without TET qualification as teachers.



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3. Hence, the Writ Appeal fails and it is accordingly dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M, J.) (L.V.G, J.)
01.10.2024

Index : Yes / No
Neutral Citation : Yes / No
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