



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.20638 of 2024

and

W.M.P(MD)No.17495 of 2024

The Correspondent,
A1-Ameen Muslim Higher Secondary School,
Aruppukottai,
Virudhunagar District.

... Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai – 600 009.

2.The Chief Educational Officer,
Virudhunagar, Virudhunagar District.

3.The District Educational Officer,
(Secondary Education),
Virudhunagar, Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings issued by the 3rd respondent DEO in Oo.Mu.No. 6203/Aa6/2021, dated 12.08.2024 quash the same and further direct the respondents herein to approve forthwith the appointment of Mrs.S.Najeema as Head Master in the petitioner's school w.e.f the date of her appointment viz 21.06.2024 with all attendant benefits including the arrears of salary and allowance.



For Petitioner : Mr.T.Cibichakraborty
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
* * * * *

ORDER

The instant writ petition has been filed by a Correspondent of an aided minority institution, challenging the order passed by the second respondent herein, wherein the request of the management to approve the appointment of one Mrs.S.Najeema as Headmistress has been rejected.

2.A perusal of the impugned order reveals that Mrs.S.Najeema has been appointed by the management as Headmistress of the High School on 21.06.2024. When the proposal was forwarded by the management to the third respondent, the third respondent has returned the same in order to get clarification whether the appointed teacher has passed Teacher Eligibility Test. This order is put to challenge in the present writ petition.

3.According to the learned Counsel appearing for the writ petitioner, the petitioner's school being minority institution, for appointing a teacher, Teacher Eligibility Test is not mandatory, in view of the Judgment of the Hon'ble Division Bench. Therefore, he seeks to set aside the order.



4.Per contra, the learned Additional Government Pleader appearing for the respondents has contended that the third respondent is only a forwarding authority and the ultimate decision has to be taken at only by the second respondent.

5.Considering the above said facts, this Court is inclined to pass the following order:-

a)The order impugned in the writ petition insisting upon the appointing teacher to have pass Teacher Eligibility Test is hereby set aside;

b)the third respondent is directed to forward the proposal to the second respondent to decide the proposal on merits in accordance with law in the light of annexure 5 of the Tamil Nadu Recognised Private Schools (Regulation) Rules, 1974. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above said observations, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is also closed.

10.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
RJR



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R.VIJAYAKUMAR, J.

RJR

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