



W.P.(MD).No.21959 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.21959 of 2024

Devangar Higher Secondary School
Rep by its Secretary
R.Ravikumar,
Aruppukottai-626 101
Virudhunagar District.

... Petitioner

-VS-

1.The Director of School Education,
DPI Complex, College Road,
Chennai-600 006.

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

3.The District Educational Officer,
Virudhunagar District,
Virudhunagar.

.... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings dated 29.08.2024 on the file of the 3rd respondent and quash the same and further direct the 3rd respondent to



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approve the appointment of Mrs.V.Anbuchelvi in the post of B.T Assistant (English) w.e.f 14.08.2024 within the time frame stipulated by this Court.

For Petitioner : Mr.K.Vinoharan
For Respondent : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by the aided School challenging the returning of proposal by the second respondent without approving the appointment of one V.Anbuchelvi as B.T Assistant(English Teacher).

2.The petitioner Management had appointed Smt.V.Anbuchelvi as B.T Assistant(English) on 14.08.2024 and a proposal was sent to the respondent authorities on the same day for approval. Under the impugned proceedings dated 29.08.2024, the said proposal has been returned on the ground that the appointee has not passed TET Examination and the School Management being a Linguistic Minority Institution has not stated whether they have complied with the condition imposed in Clause-6 of G.O.Ms.No. 122 School Education Department, dated 06.08.2021. The said order is under challenged in the present writ petition.



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3. According to the learned counsel appearing for the writ petitioner, the Government has already recognized the Linguistic Minority Status of the petitioner School by way of the aforesaid Government Orders and they are already complying with the condition imposed in the said Government Orders. Being a minority institution, a teacher appointed to the said institution is not required to pass TET Examination. Hence, he prays for setting aside the impugned order.

4. Per contra, the learned Additional Government Pleader appearing for the respondents had contended that unless the management establishes the fact that they are complying with the condition imposed in the Government Orders dated 06.08.2021, the question of considering the proposal of the management would not arise. Hence, he prayed to sustain the returned order passed by the authorities.

5. I have carefully considered the submissions made on either side and perused the materials available on record.



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6.As could be seen from the G.O.Ms.No.122 School Education Department, dated 06.08.2021, the Government Order has declared the Linguistic Minority Status of the petitioner School. In Clause '6' of the said Government Order, the Government has reserved their right to cancel the minority status in case of a certain exigence. Therefore, it is clear that unless the authorities initiate any proceedings for cancellation of the minority status, the status of the petitioner School continues to be a minority one. Therefore, the said ground cannot be raised by the authorities for returning the proposal forwarded by the management.

7.Considering the fact that the petitioner School is a Linguistic Minority Institution, in view of the orders of the Division Bench, to pass TET examination is not mandatory. In view of the above said facts, the impugned order is hereby set aside and the third respondent is directed to forward the proposal to the second respondent within a period of four weeks from the date of receipt of a copy of this order. On receipt of such proposal, the second respondent is directed to approve the appointment of Smt.V.Anbuchelvi as B.T Assistant with effect from 14.08.2024 with all attendant benefits.



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8. With the above directions, this Writ Petition stands allowed. No costs.

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NCC : Yes/No

Index : Yes / No

Internet : Yes / No

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To

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2. The Chief Educational Officer,
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Virudhunagar.

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R.VIJAYAKUMAR,J.

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