



W.P.(MD).No.21954 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 30.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.21954 of 2024

and

W.M.P(MD) No.18597 of 2024

A.Jenoris Kagoo,
St. Antony's Higher Secondary School,
Palayakayal,
Tuticorin District.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Additional Secretary,
Department of School Education,
Fort St. George,
Chennai – 9.
2. The Director of School Education,
DPI Campus,
College Road,
Chennai – 6.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Tuticorin District.
4. The District Educational Officer (Secondary)
The Office of the District Educational Officer,
Tuticorin District.



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5. The Correspondent,
St. Antony's Higher Secondary School,
Palayakayal,
Tuticorin District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings dated07.2024, in O.Mu. No.2854/AA2/2024, on the file of the fourth respondent and quash the same, in respect of the petitioner, directing the respondents to approve the promotion of the petitioner Mr.A.Jenoris Kagoo, working as Headmaster, in ST.Antony's Higher Secondary School, Palayakayal, Tuticorin District, w.e.f 01.08.2023, with all service benefits.

For Petitioner : Mr.FR S.Savarimuthu
for M/s.Father Xavier Associates

For R1 to R4 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by a B.T.Assistant Teacher working in the fifth respondent School, challenging the order passed by the fourth respondent herein, wherein the proposal of the Management for promoting him to the post of Headmaster in the fifth respondent school has been rejected.



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2. A perusal of the impugned order reveals that the Management has promoted the writ petitioner from the post of B.T Assistant to the post of Headmaster. When the proposal reached the fourth respondent herein, under the impugned order dated 27.07.2024, he has rejected the same primarily on the ground that the petitioner has not passed the TET examination. This order is under challenge in the present writ petition.

3. According to the learned counsel appearing for the writ petitioner, as per the judgment of the Honble Division Bench of this Court in W.A.No.313 of 2022 and batch cases, dated 02.06.2023, a pass in TET examination is not mandatory for being appointed as a teacher or for effecting promotion in a Minority Institution. Admittedly, the fifth respondent Management is a Minority Institution and therefore, the educational authorities cannot insist upon to pass in TET examination for considering the approval or for promotion of the writ petitioner.

4. Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 4 had contended that the petitioner having not passed the



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TET examination would not be entitled to the promotion from the post of B.T Assistant to the post of Headmaster.

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

6. The Hon'ble Division Bench of this Court in Paragraph 71.1 of the judgment in W.A.No.313 of 2022 and batch cases, dated 02.06.2023, has clarified, that, for being appointed as a teacher in a minority institution, a pass in TET examination is not mandatory. Once the Hon'ble Division Bench has held that a pass in TET examination is not mandatory for being appointed as a teacher in a minority institution, it follows that the appointee would be entitled to all other consequential benefits including payment of annual increments.

7. In view of the Division Bench judgment of our High Court, as on today, pass in TET examination is not mandatory for being appointed as a teacher in a minority institution and it equally applies to a case where already working teacher was promoted to the post of Headmaster. Considering the fact that the fifth respondent school is an Aided School, up to the level of the



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High School, the petitioner, being a B.T.Assistant, is eligible to be promoted to the post of Headmaster for that school. The fourth respondent herein is only a forwarding authority to the third respondent for approving the promotion of the writ petitioner.

8. Considering the above said facts, the order of the fourth respondent impugned in the writ petition is hereby set aside. The fourth respondent is directed to forward the proposal to the third respondent for passing orders. The third respondent is directed to pass orders, in the light of the observation made above, within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above said observations, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

30.09.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Additional Secretary,
Department of School Education,
Fort St. George,
Chennai – 9.
2. The Director of School Education,
DPI Campus, College Road,
Chennai – 6.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
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R.VIJAYAKUMAR,J.

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