



W.P.(MD)No.22072 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2024

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.22072 of 2024

and

W.M.P(MD)No.18692 of 2024

St.John's Middle School,
Rep. by its Correspondent,
Mrs.E.Mangayarkarasi,
Veeravanallur – 627 426,
Tirunelveli District.

... Petitioner

Vs.

- 1.The Commissioner of School Education,
O/o. Commissioner of School Education,
DPI Complex,
Nungambakkam,
Chennai.
- 2.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 3.The District Educational Officer (Elementary),
O/o. The District Educational Officer (Elementary),
Tirunelveli,
Tirunelveli District.
- 4.The Block Educational Officer – II,
Cheranmahadevi,
Tirunelveli District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records to the impugned order passed by the third respondent vide his proceedings in O.Mu.No.2528/A1/2024, dated 23.07.2024 and quash the same as illegal and consequently directing the respondents to approve the appointment of G.Rajalakshmi as Secondary Grade Teacher with effect from 24.02.2021 and disburse the arrears of salary within a time period stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran
For M/s.Ajmal Associates

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by an aided minority institution challenging the order passed by the third respondent, dated 23.07.2024, wherein, the appointment of one M/s. G.Rajalakshmi as Secondary Grade Teacher has not been approved by the authorities.

2. A perusal of the impugned order, dated 23.07.2024 reveals that the proposal for approval has been rejected on the following grounds:

(a) The teacher has not cleared TET examination



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(b) The original educational certificates have not been enclosed.

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3. According to the learned counsel for the petitioner, since the institution is a minority institution, the question of pass in TET examination does not arise. He further contended that M/s.G.Rajalakshmi was appointed on 24.02.2021. The proposal was submitted by the management on 02.03.2021 and it was returned on 17.12.2021. He further submitted that the proposal was resubmitted by the management on 08.01.2022 and it was further resubmitted on 21.05.2024. Thereafter, the impugned order has been passed on 23.07.2024. Hence, there is no delay on the part of the management in submitting the proposal. He further submitted that all the original certificates of the appointee would be submitted to the concerned authorities for verification before passing the order of the approval.

4. Per contra, the learned Additional Government Pleader for the respondents contended that since the proposal is received belatedly, the order impugned in the writ petition rejecting the proposal has been passed. He further contended that the appointee has not passed TET examination, and hence not eligible to be appointed as a Secondary Grade Teacher.



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5. I have carefully considered the submissions made on either sides and perused the materials on records.

6. The Division Bench of this Court in W.A(MD)No.313 of 2022 etc., batch reported in **2023 3 L.W.112** has categorically held that pass in TET examination is not mandatory for being appointed in a minority institution. Therefore, the said reason assigned in the impugned order is liable to be set aside.

7. The learned Additional Government Pleader for the respondents has contended that there are no records to establish the facts that the management has sent the proposal on 02.03.2021. On the other hand, the proposal has been received by the management only on 25.06.2021 and the educational authorities are not able to point out the date on which the proposal was returned after it was resubmitted on 08.01.2022. Therefore, this Court is not in a position to find the management in fault for belatedly resubmitting the fresh proposal on 21.05.2024.



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8. In view of the above said deliberations, the management is directed to submit all the original educational certificates of appointee before the third respondent herein within a period of 2 weeks from the date of receipt of a copy of this order. The impugned order is set aside and the matter is remitted back to the file of the third respondent and the third respondent is directed to pass orders approving the appointment of one M/s.G.Rajalakshmi as Secondary Grade Teacher with effect from 25.06.2021 onwards with all attendant benefits and pass orders within a period of 12 weeks thereafter.

9. With the said observations and directions, the writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

19.10.2024

NCC:yes/no
Index:yes/no
Internet:yes/no
SN



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To:

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R.VIJAYAKUMAR, J.

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