



W.P.(MD)No.5596 of 2017

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.08.2024

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.5596 of 2017

and

W.M.P.(MD)No.4481 of 2017

A.Cecily Angel Lourdu Rani

: Petitioner

Vs.

1.The District Educational Officer,
Cheranmadevi @ Tirunelveli,
Tirunelveli District.

2.The Correspondent,
Stella Maris Girls High School,
Tisaiyanvilai,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent in his proceedings in O.Mu.914/A1/2016 dated 06.2016 signed on 22.07.2016 and quash the same and direct the first respondent to



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approve the appointment of the petitioner as a B.T.Assistant from the date of appointment ie., 01.06.2015 with all the consequential benefits.

For Petitioner : Mr.V.Panneer Selvam
For Respondent No.1 : Mr.T.Amjad Khan
Government Advocate
For Respondent No.2 : No appearance

ORDER

This Writ Petition has been filed for a Writ of Certiorarified Mandamus, seeking to quash the order passed by the first respondent in his proceedings in O.Mu.914/A1/2016 dated 06.2016 signed on 22.07.2016 and for a direction to the first respondent to approve the appointment of the petitioner as B.T.Assistant from the date of appointment ie., 01.06.2015 with all the consequential benefits.

2.The petitioner's candidature for the post of B.T.Assistant in the second respondent institution which was forwarded by the second respondent institution to the first respondent has been returned under the impugned order dated 22.07.2016, on the ground that the petitioner has not passed the Teachers Eligibility Test. Admittedly, the second respondent institution is a minority



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institution. As per the decision of the Division Bench of the Madras High Court, rendered on 02.06.2023 in W.A.No.313 of 2022 etc., batch, it has been held that Teachers Eligibility Test is not a necessary mandate for the teachers appointed in minority schools. Therefore, the only reason given by the first respondent directing the second respondent school to re-submit the proposal appointing the petitioner to the post of B.T.Assistant under the impugned order passed by the first respondent is contrary to the decision rendered by the Division Bench of this Court referred to supra, wherein it has been made clear that TET is not applicable to minority institutions.

3.Accordingly, the impugned order dated 22.07.2016 passed by the first respondent is hereby set aside and this writ petition is allowed. It is made clear that once the proposal is sent by the second respondent school seeking for approval of the petitioner for being appointed to the post of B.T.Assistant in the second respondent school, the first respondent shall grant approval subject to other requirements and pass final orders within a period of eight [8] weeks from the date of receipt of the proposal from the second respondent.



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4. With the above direction, this Writ Petition stands allowed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
NCC : Yes/No
MR

To
The District Educational Officer,
Cheranmadevi @ Tirunelveli,
Tirunelveli District.



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ABDUL QUDDHOSE, J.

MR

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