



W.A(MD)No.1758 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.1758 of 2024
and
C.M.P.(MD)No.13471 of 2024**

1.The District Educational Officer
(Primary),
O/o. the District Educational Officer,
Madurai,
Madurai District.

2.The Block Educational Officer,
O/o. the Block Educational Officer,
Madurai North Zone,
Madurai District.

... Appellant / Respondents 1 & 2

-VS-

1.A.Kohila

... 1st Respondent / Writ Petitioner

2.The Secretary,
Madurai City Middle School,
Ansari Nagar 4th Street,
Madurai District.

... 2nd Respondent / 3rd Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 18.04.2024 made in W.P.(MD)No.527 of 2024 & W.M.P. (MD)Nos.637 and 638 of 2024.

For Appellants : Mr.S.P.Maharajan,
Special Government Pleader

For R-1 : Mr.H.Mohammed Imran



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JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

The appeal is filed by the Department. Challenge is to the order of the writ Court directing approval of the appointment of the 1st respondent herein as the headmistress of the 2nd respondent school.

2. The 2nd respondent school is an Aided Minority Institution. The post of Headmistress in the 2nd respondent school fell vacant due to the voluntary retirement of the incumbent Tmt. N.Geethamani. The management appointed the 1st respondent as a Headmistress with effect from 21.11.2022 and forwarded the proposal to the 2nd respondent for approval. The 2nd respondent, however, quoted the rules framed in 2023 to refuse the approval on the ground that she has not passed TET. The appointment was admittedly made on 21.11.2022, prior to the introduction of the new rules.

3. This Court has consistently held that a pass in TET cannot be insisted upon for appointment as teachers in Minority Institution. The writ Court has also referred to instances where Division Benches of this Court have concluded that a teacher appointed in a Minority Institution need not be qualified in TET.



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4. In the light of the same, we see no merit in the writ appeal.

Therefore, the writ appeal fails and it is accordingly, dismissed. The authorities are directed to approve the appointment of the petitioner with effect from 21.11.2022 and also pay the salary and other benefits due to her within a period eight (8) weeks from the date of receipt of a of this order. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

04.10.2024

NCC :Yes/No

Index :Yes/No

Internet: Yes

Sml

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