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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.22663 of 2024

and

W.M.P(MD)Nos.19187 & 19189 of 2024

The Correspondent,
St.Mary's Tope Middle School,
Tiruchirapalli – 620 002,
Tiruchirapalli District.

... Petitioner

Vs.

1.The Director of School Education,
College Road, Chennai – 600 006.

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

3.The District Educational Officer,
(Elementary Education),
Mannarpuram, Tiruchirapalli,
Tiruchirapalli District.

4.The Block Educational Officer,
Woraiyur, Tiruchirapalli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent District Educational Officer in



O.Mu.No.1889/A5/2023 dated 31.07.2024, quash the same, and further Direct the 3rd respondent to approve forthwith the promotion of P.Devachitam Mary as BT Assistant (Tamil) in the petitioner school w.ef., the date of her promotion viz., 05.01.2023, with all attendant benefits including arrears of salary.

For Petitioner : M/s.M.F.Rooshi Maas
for M/s.Isaac Chambers

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

ORDER

The instant writ petition has been filed by a Correspondent of an aided minority institution, challenging the order passed by the third respondent herein, wherein the appointment of one P.Devachitam Mary as BT Assistant(Tamil) has not been approved.

2.A perusal of the impugned order reveals that the proposals submitted by the petitioner's Management for approval of the said appointment has been rejected on the sole ground that the said candidate has not passed TET examination.

3.Admittedly, the petitioner's Management is an aided minority institution and as on today, passing of TET examination is not mandatory for being appointed as a teacher in a minority institution.



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4.The learned Additional Government Pleader appearing for the respondents herein by referring to paragraph No.6 of the counter had contended that as per judgment of the Hon'ble Division Bench in W.A.Nos.313 of 2022, etc. batch cases, TET is mandatory for the appointment to the post of BT Assistant and even for promotion.

5.This Court is of the considered opinion that in view of the judgment of the Hon'ble Division Bench in W.A.Nos.313 of 2022, etc. batch cases, dated 02.06.2023, passing of TET examination is not mandatory for appointment in the minority institution.

6.In view of the above said deliberations, the order impugned in the writ petition is hereby set aside and the third respondent is directed to forward the papers to the second respondent and in turn, the second respondent is directed to pass orders approving the appointment of P.Devachitam Mary w.e.f. 05.01.2023 with all attendant benefits and pass orders on merits within a period of twelve weeks from the date of receipt of a copy of this order.



7. With the above said observations, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are also closed.

19.10.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

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Tiruchirapalli District.

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R.VIJAYAKUMAR, J.

RJR

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