



WA(MD). No.2201 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 04/11/2024

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE Dr.JUSTICE A.D.MARIA CLETE

WA(MD). No.2201 of 2024

1. The State of Tamil Nadu,
Represented by its Secretary
Department of School Education
Fort St. George, Chennai 600 009.

2. The Director of School Education,
College Road, Chennai 600 009.

3. The Chief Educational Office,
Dindigul 624 001, Dindigul District

4. The District Educational Officer
Dindigul 624 001
Dindigul District

... Appellants

Vs

The Correspondent
St. Mary's Higher Secondary School
Dindigul 624 001
Dindigul District

... Respondent



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PRAYER :- Writ Appeal filed under Clause 15 of Letters patent against the order of this Court dated 19.12.2023 in WP(MD). No. 30250/2023.

For Appellants : Mr.J.Ashok
Additional Government Pleader
For Respondents : Mr.K.Ragatheesh Kumar for
M/s.Isaac Chambers

JUDGMENT

(Judgment of the Court was delivered by M.S.RAMESH, J.)

The writ appeal is directed against the order of the writ Court dated 19.12.2023 in WP(MD) No.30250/2023, wherein, it has been held that a pass in Teacher's Eligibility Test cannot be insisted upon for teachers in minority institutions.

2. The learned Additional Government Pleader would submit that the approval of appointment of the Teacher in the respondent school could not be granted on the ground that the Teacher does not possess a pass in the Teacher's Eligibility Test (TET). On this ground, he seeks for setting aside the order of the learned Single Judge passed in the writ petition.



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3. This Court in exercise of its power under Article 226 of the Constitution of India has been consistently holding that a pass in the Teacher's Eligibility Test is not a mandatory pre-requirement for appointment of a Teacher in a minority school and that the educational authorities have no authority to reject a proposal for approval of such appointment made. The orders of the Division Benches of this Court in **W.A.No.179 of 2024**, dated **22.01.2024** [**The Government of Tamil Nadu, Rep. by its Additional Chief Secretary, Department of School Education and others vs. T.Selvarani and another**] and in **W.A. (MD)No.670 of 2024**, dated **12.04.2024** [**The District Educational Officer, Sivagangai and another vs. Y.Joseph Mercy Rani and another**], are two such orders, wherein, this ratio has been upheld.

4. Since the law has been well laid down as aforesaid, we see no justification on the part of the authorities in having rejected the proposal of the minority schools seeking for approval of the appointments made.



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5. In view of the same, no interference is warranted to the impugned order passed in the writ petition and the writ appeal stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

[M.S.R.,J]

[A.D.M.C.,J]

04.11.2024

NCC : Yes/No

Index : Yes/No

RR

TO

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**M.S.RAMESH,J
AND
A.D.MARIA CLETE, J.**

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**ORDER
IN
WA(MD) No.2201 of 2024**

Date : 04/11/2024