



W.A.(MD)No.2442 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.11.2024

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CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

and

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A.(MD)No.2442 of 2024

and

C.M.P.(MD)No.16970 of 2024

- 1.The Government of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Department of School Education,
Fort St. George, Chennai – 9.
 - 2.The Director of School Education,
DPI Campus, College Road,
Chennai – 6.
 - 3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Tuticorin District.
 - 4.The District Educational Officer,
The Office of the District Educational Officer,
Thiruchendur,
Thoothukudi District.
- : Appellants

Vs.

1.N.Nisha



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2.The Correspondent,

St. Josephs Higher Secondary School,

Punnaikayal,

Tuticorin District.

: Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the judgment dated 12.03.2024 in W.P.(MD)No. 20575 of 2023, on the file of this Court.

For Appellants : Mr.J.Ashok

Additional Government Pleader

For Respondent No.1 : Mr.S.Savarimuthu

for M/s.Father Xavier Associates

JUDGMENT

[Judgment of the Court was delivered by **M.S.RAMESH, J.**]

The present Writ Appeal has been filed challenging the order passed by the learned Single Judge in W.P.(MD)No.20575 of 2023 dated 12.03.2024.

2.On the ground that there are surplus teachers in the corporate management of the second respondent's school, their request for approval of appointment has been rejected, which order was put to challenge before the learned Single Judge.



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3.By placing reliance on the decision of the Coordinate Bench of this Court in a batch of cases in the case of ***the Secretary to Government, Government of Tamil Nadu School Education Department, Fort St.George, Chennai - 9 Vs. Iruthaya Amali [W.A.(MD).No.76 of 2019 etc., batch dated 31.03.2021]***, the learned Single Judge had allowed the Writ Petition and directed the appellants to consider the approval of appointment of the concerned teacher as B.T. Assistant (Maths). The order of the Writ Court is assailed in this intra-court appeal

4.The issue as to whether the educational authorities are empowered to reject the approval of appointment of a teacher in a minority school on the ground that there are surplus teachers in the other schools in the corporate management, has already been dealt with by this Court in several decisions including the decision in ***Iruthaya Amali's*** case. One such decision was by a coordinate Bench of this Court in the case of ***the Chief Educational Officer, Tirunelveli District and another Vs. A.X.Mino and another passed in W.A.(MD).No.1855 of 2024 dated 16.10.2024***. By placing reliance upon the decision in ***Iruthaya Amali's*** case, the learned Single Judge had held that the educational authorities cannot reject the application seeking for approval of appointments on this ground. In this background, we do not find any reason to interfere with the order of the learned Single Judge.



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5.The other ground on which approval of appointment of the Teacher in the respondent school was rejected is that the Teacher does not possess a pass in the Teacher's Eligibility Test (TET). This Court in exercise of its powers 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.

6.When Coordinate Benches have already taken such a view, 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. Hence, we do not find any merits in the present Writ Appeal.



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7. Accordingly, this Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R.,J.] & [A.D.M.C.,J.]
27.11.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To

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and
A.D.MARIA CLETE, J.

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JUDGMENT MADE IN
W.A.(MD)No.2442 of 2024

27.11.2024