



W.P.(MD).No.23988 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 23.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.23988 of 2024

and

W.M.P(MD) No.20313 of 2024

T.M.Balasubramanian

... Petitioner

Vs.

1. The Chief Educational Officer,
Tirunelveli Educational District,
Tirunelveli.

2. The District Educational Officer,
Tirunelveli,
Tirunelveli District.

3. The Muslim Higher Secondary School,
Represented by its Correspondent,
Melapalayam,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceedings of the second respondent in his proceedings in Oo.Mu.No. 3424/A1/2024, dated 16.05.2024 and quash the same as illegal and consequently direct the respondents to approve the



W.P.(MD).No.23988 of 2024

appointment of the petitioner to the post of B.T.Assistant (History/Social Science) in the third respondent School with effect from the date of her initial appointment i.e., 01.07.2023, with all attendant benefits within the time that may be stipulated by this Court.

For Petitioner : Mr.E.Mareeskumar

For R1 and R2 : Mr.J.Ashok
Additional Government Pleader

ORDER

The present Writ Petition has been filed by a B.T.Assistant (History) working in the third respondent School, challenging the order passed by the second respondent, wherein the proposal forwarded by the third respondent Management for approval of the appointment of the writ petitioner has been rejected citing various grounds.

2. A perusal of the impugned order reveals that the proposal has been rejected on the ground that the appointee has not passed TET examination. The Hon'ble Division Bench of our High Court in paragraph No. 74(c) of the judgment reported in **2023 (3) LW 112 (The Director of School Education, D.P.I. Campus, College Road, Chennai -06 and two others Vs. Velayutham**



W.P.(MD).No.23988 of 2024

WEB COPY

and another) has categorically held that pass in TET examination is not mandatory for being appointed as teacher in a Minority Institution. Therefore, the said reason is not sustainable and therefore it is set aside.

3. The second respondent has further cited G.O.(Ms) No.165, School Education Department, dated 17.09.2019 for returning the proposal. The above said Government Order is not in force and therefore, the said reason cannot be assigned by the authorities.

4. As far as the other reasons pointed out in the impugned order are concerned, the School Management is directed to comply with the other directions and resubmit the proposal for approval. In case of re-submission, the authorities are directed to grant approval for appointment of the writ petitioner within a period of twelve weeks from the date of receipt of the proposal.



W.P.(MD).No.23988 of 2024

5. With the above said observations, this Writ Petitions stands allowed.

There shall be no order as to costs. Consequently connected Miscellaneous
Petition is closed.

23.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
ebsi

To

1. The Chief Educational Officer,
Tirunelveli Educational District,
Tirunelveli.
2. The District Educational Officer,
Tirunelveli,
Tirunelveli District.
3. The Muslim Higher Secondary School,
Represented by its Correspondent,
Melapalayam,
Tirunelveli District.



WEB COPY



W.P.(MD).No.23988 of 2024

R.VIJAYAKUMAR,J.

ebsi

W.P(MD)No.23988 of 2024

23.10.2024