



W.P.(MD).No.24280 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 28.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.24280 of 2024

and

W.M.P(MD) No.20530 of 2024

Sr.Inigo Mary
Holy Cross Girls' Higher Secondary School,
Thoothukudi,
Thoothukudi District.

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented 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,
Thoothukudi District.
4. The District Educational Officer (Secondary)
The Office of the District Educational Officer,
Thoothukudi District.



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5. The Correspondent,
Holy Cross Girls' Higher Secondary School,
Thoothukudi,
Thoothukudi 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 pertaining to the impugned proceedings, dated 31.07.2024 in O.Mu.No.1179/A1/2024, on the file of the fourth respondent and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Sr.Inigo Mary, working as B.T.Assistant (English), in Holy Cross Girls Higher Secondary School, Thoothukudi, Thoothukudi District, w.e.f. 01.06.2018, with all service benefits.

For Petitioner : FR.S.Savarimuthu
for M/s. Father Xavier Associates

For R1 to R4 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by a B.T.Assistant (English) appointed in the fifth respondent Institution seeking to quash the order passed by the fourth respondent herein, wherein the proposal of the Management to approve her appointment has been rejected.



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2. A perusal of the impugned order passed by the fourth respondent on 31.07.2024 reveals that the proposal of the Management has been rejected on the sole ground that the appointee has not passed TET examination.

3. According to the learned counsel appearing for the writ petitioner, the fifth respondent institution is an aided minority institution under the Corporate Management. Therefore, according to her, pass in TET examination is not mandatory for approving the appointment of the writ petitioner. Hence, the present writ petition.

4. The writ petition came up for admission on 16.10.2024 and it was adjourned to 28.10.2024 for filing counter. Since no counter has been filed so far, this Court proceeds to pass the orders on merits.

5. 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 and another)** has categorically held that pass in TET



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examination is not mandatory for being appointed as a teacher in Minority Institution.

6. In view of the above said judgment, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the fourth respondent herein. The fourth respondent is directed to approve the appointment of the writ petitioner as B.T.Assistant with effect from 01.06.2018 along with all attendant benefits and pass orders on merits and in accordance with law, 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 to the extent as stated above. There shall be no order as to costs.

28.10.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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To

1. The Additional Chief Secretary,
Department of School Education,
Fort St. George,
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College Road, Chennai – 6.
3. The Chief Educational Officer,
The Office of the Chief Educational Officer,
Thoothukudi District.
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5. The Correspondent,
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R.VIJAYAKUMAR,J.

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