



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.10.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.26200 of 2024

The Correspondent,
Meeraniya Middle School,
Alangiyamanavalapuram,
Alwarthirunagari Post, Eral Taluk,
Tuticorin District.

... Petitioner

Vs

1.The District Educational Officer(Elementary),
Tuticorin District.

2.The Block Educational Officer,
Alwarthirunagari,
Tuticorin 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 pertaining to order passed by the 2nd respondent in his Proceedings in Na.Ka.2097/A1/2024 dated 27.09.2024 and quash the same and consequently direct the respondents to approve the appointment of H.R.Syed Sirajdeen as B.T.Assistant (Tamil) with effect from 09.10.2017 with all attended benefits and pass such other or further orders as this Court.



For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.J.Ashok
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 second respondent herein wherein the appointment of one H.R.Syed Sirajdeen as BT Assistant(Tamil) Teacher has not been approved on the ground that the said Teacher has not passed TET examination.

2.According to the learned Counsel appearing for the writ petitioner, the petitioner's school being an aided minority institution, a pass in TET examination is not mandatory for making any appointment in the said institution. However, the learned Additional Government Pleader appearing for the respondents had contended that in case, if the appointment is in surplus of the sanctioned strength, the question of approving the appointment of one H.R.Syed Sirajdeen cannot be considered.



3.I have carefully considered the submission made on either side and perused the materials available on records.

4.The Hon'ble Division Bench of our High Court in ***W.A.Nos.313 of 2022, etc. batch cases, dated 02.06.2023*** reported in ***2022 (3) Law Weekly 112 in Paragraph No.74(c)*** has categorically held that a pass in TET examination is not mandatory for being appointed as a Teacher in a minority institution. Therefore, the reason assigned in the impugned order is liable to set aside.

5.Considering the fact that the petitioner's school is a stand alone minority institution, if the appointment is within the sanctioned strength for the academic year 2017-2018, the respondents herein are directed to approve the appointment of the writ petitioner within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above said observations, this writ petition stands disposed of.
No costs.

29.10.2024

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



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Tuticorin District.

2.The Block Educational Officer,
Alwarthirunagari,
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R.VIJAYAKUMAR, J.

RJR

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