



W.P.(MD).No.26573 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.26573 of 2024

Capron Hall Higher Secondary School for Girls,
Rep. by the Correspondent,
Mr.J.Aruldoss,
Madurai.

... Petitioner

-VS-

1.The Chief Educational Officer,
O/o.The Chief Educational Office,
Madurai,
Madurai District.

2. The District Educational Officer, (Secondary Education) ,
Madurai,
Madurai 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 relating to the order passed by the 1st Respondent in his proceedings in O.Mu.No. 6874/A5/2024 dated 19.07.2024 and quash the same as illegal and consequently to direct the Respondents to approve the appointment of Mrs.Sindhuja Sharmila Dorathy, in the post of BT Assistant wef 20.12.2023 in the petitioner school with all attendant, service and monetary benefits.



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For Petitioner

: M/s.S.Mamtha
for
M/s.Ajmal Associates

For Respondents

: Mr.T.Amjadkhan,
Government Advocate

ORDER

The instant writ petition has been filed by the Management of aided minority institution, challenging the order passed by the first respondent herein dated 19.07.2024.

2. A perusal of the records reveal that one Mrs.S.Sindhuja Sharmila Dorathy who was working as a Secondary Grade Teacher in the petitioner school was promoted as an B.T. Assistant (English) on 20.12.2023, and the proposal was forwarded by the petitioner management to the first respondent for the approval of the appointment. The authorities, by way of impugned order dated 19.07.2024, the said proposal has been rejected, on the sole ground that the said Mrs.Sindhuja Sharmila Dorathy had not passed the TET examination. This order is under challenge in the present writ petition.



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3. According to the learned Counsel appearing for the writ petitioner, the petitioner's institution is being a minority institution, passing of TET examination is not mandatory for any appointment. 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 examination is not mandatory for being appointed as teacher in a Minority Institution.

4. In view of the above said decision of the Hon'ble Division Bench of this Court, the order impugned in this writ petition is set aside and the matter is remitted back to the file of the first respondent herein and the first respondent is directed pass orders on merits and in accordance with law. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.



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5. With the above said observations, this writ petition stands allowed.

No costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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