



W.P.(MD).No.27466 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27466 of 2024

and

W.M.P(MD) No.23290 of 2024

A.Nansi,
B.T.Assistant (Maths)
R.C.Middle School,
K.Pudur, Madurai,
Madurai District – 625 007.

... Petitioner

Vs.

1. The Director of Elementary Education,
College Road,
Chennai – 600 006.

2. The District Educational Officer,
Melur, Madurai District.

3. The Block Educational Officer,
Madurai West, Anaiyur,
Madurai District.

4. The Correspondent,
R.C.Middle School,
K.Pudur, Madurai,
Madurai District – 625 007.

... Respondents



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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 proceeding issued by the second respondent DEO in Na.Ka.No.430/A4/2022, dated 02.07.2024, quash the same in so far as approving the appointment of the petitioner as B.T.Assistant (Maths) in the fourth respondent School w.e.f. 08.02.2023 instead of 04.07.2018 and further direct the second respondent District Educational Officer herein to approve forthwith the appointment of petitioner as B.T.Assistant (Maths) in the fourth respondent School namely, R.C.Middle School, K.Pudur, Madurai w.e.f 04.07.2018 and disburse the grant-in-aid towards her salary and allowances w.e.f the said date with all attendant benefits.

For Petitioner : Ms.A.Amala
For R1 to R3 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by a B.T.Assistant (Maths) appointed in the fourth respondent School, challenging the portion of the approval of appointment order, wherein, approval has been granted only from the date of passing of TET examination by the writ petitioner.



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2. The petitioner herein was appointed as a B.T.Assistant (Maths) Teacher in the fourth respondent School on 04.07.2018. The Management has forwarded the proposal to the authorities for approval of the appointment. At the time of appointment, the petitioner has not passed TET examination. She had passed the said examination only on 08.02.2023. The second respondent herein while approving the appointment of the writ petitioner, had approved the appointment only with effect from 08.02.2023 instead of 04.07.2018. Hence, the present writ petition.

3. According to the learned counsel appearing for the writ petitioner, the fourth respondent institution being a minority institution, pass in TET examination is not mandatory for being appointed as a teacher. In such circumstances, approval ought to have been granted from 04.07.2018 onwards.

4. Per contra, the learned Additional Government Pleader appearing for the respondents 1 and 3 contended that unless the petitioner had passed TET examination, she would not be qualified to be appointed as a B.T.Assistant Teacher. The petitioner has acquired qualification on 08.02.2023, and hence,



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the authorities were right in approving the appointment of the writ petitioner with effect from 08.02.2023.

5. I have carefully considered the submissions made by the learned counsel on either side and perused the materials available on record.

6. 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 a teacher in a Minority Institution. There is no dispute that the fourth respondent institution is a minority institution.

7. In such circumstances, the second respondent herein was not right in approving the appointment of the writ petitioner with effect from the initial date of appointment namely, on 04.07.2018.



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8. In view of the above said deliberations, the order impugned in the writ petition insofar as it relates to the approval of appointment from 08.02.2023 onwards is concerned, is hereby set aside and the second respondent is directed to pass fresh orders approving the appointment of the writ petitioner with all monetary benefits, with effect from 04.07.2018 onwards. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above said observations, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently connected Miscellaneous Petition is closed.

16.12.2024

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

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