



W.P(MD)No.27669 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.12.2024

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THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.27669 of 2024

and

W.M.P(MD)No.23480 of 2024

The Correspondent,
St. James Higher Secondary School,
Suranam, Ilayangudi Taluk,
Sivagangai District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Sivagangai, Sivagangai District.
- 4.The District Educational Officer,
(Secondary Education),
Sivagangai, Sivagangai District.

... 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 fourth respondent District Educational Officer vide impugned proceedings in Moo.Mu.No. 2908/a4/2024, dated 21.08.2024, quash the same and further direct the third respondent Chief Educational Officer herein to approve forthwith the appointment of K.Ilayaraja as B.T Assistant Maths in the petitioner's School with effect from 23.11.2023 and disburse the grant-in-aid towards his salary and allowance with effect from the said date with all attendant benefits and pass such other or further orders as this Court.

For Petitioner : M/s.A.Amala

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by the Management of an Aided Minority Institution challenging the order passed by the fourth respondent herein, wherein the appointment of Thiru.K.Ilayaraja as B.T Assistant (Maths) has not been approved.



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2. A perusal of the impugned order reveals that the proposal forwarded by the Management has not been approved by the authorities on the ground that the appointee has not passed TET examination and the appointment has been made after 09.04.2019.

3. According to the learned Counsel appearing for the writ petitioner, the appointment having been made to a Minority Institution, a pass in TET is not mandatory. He further contended that W.A(MD)No.76 of 2019 and batch has already been disposed of and therefore, the authorities cannot rely upon the interim order, dated 09.04.2019.

4. Per contra, the learned Additional Government Pleader appearing for the respondents herein had contended that the appointee having not passed TET examination would not be entitled to get an order of approval of appointment.

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



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6. This Court by an order, dated 20.11.2024 has directed the respondent to file their counter by 02.12.2024. Despite granting time, no counter is filed. Therefore, this Court proceeds to pass orders on the basis of the submissions made on either side.

7. The Hon'ble Division Bench of this Court in a judgment reported in **2023 (3) LW page 112** in paragraph No.74(c) has categorically held that a pass in TET is not mandatory for being appointed in a Minority Institution. Since W.A(MD)No.76 of 2019 and batch has already been disposed of, the authorities were not right in relying upon the interim orders passed in the said writ petition.

8. In view of the above said deliberations, the order impugned in the writ petition set aside and the fourth respondent is directed to forward the files to the third respondent, within a period of four (4) weeks from the date of receipt of a copy of this order. The third respondent is directed to pass orders approving the appointment of Thiru.K.Ilayaraja as B.T Assistant (Maths) with effect from 23.11.2023, within a period of eight (8) weeks from the date of receipt of files from the fourth respondent.



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9. This writ petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

02.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

- 1.The Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai-600 009.
- 2.The Director of School Education,
College Road, Chennai-600 006.
- 3.The Chief Educational Officer,
Sivagangai, Sivagangai District.
- 4.The District Educational Officer,
(Secondary Education),
Sivagangai, Sivagangai District.



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R.VIJAYAKUMAR, J.

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