



W.A.(MD).No.2477 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.12.2024

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.2477 of 2024

and

C.M.P.(MD).No.17327 of 2024

- 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 - 600 009.
- 3.The Chief Educational Officer,
Madurai - 625 001,
Madurai District.
- 4.The District Educational Officer,
Madurai - 625 001,
Madurai District.

... Appellants/Respondents

Vs.

The Correspondent,
St.Mary's Higher Secondary School,
Madurai – 625 001.

... Respondent/Writ Petitioner



W.A.(MD).No.2477 of 2024

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 02.01.2024 in W.P.(MD).No.31170 of 2023 on the file of this Court.

For Appellants : Mr.J.Ashok
Additional Government Pleader

For Respondent : Mr.K.Ragatheesh Kumar
for M/s.Isaac Chambers

JUDGMENT

(Judgment of the Court was made by M.S.RAMESH,J.)

The present Writ Appeal has been filed challenging the order of the learned Single Judge in W.P.(MD).No.31170 of 2023 dated 02.01.2024.

2. On the ground that there are surplus teachers in the other schools in the District, the respondent School's request for approval of appointment has been rejected, which order was put to challenge before the learned Single Judge.

3. By placing reliance on the decision of the coordinate Bench of this Court in a batch of cases in the case of *the Secretary to Government*,



W.A.(MD).No.2477 of 2024

Government of Tamil Nadu School Education Department, Fort St.George,

Chennai – 9 Vs. Iruthaya Amali [W.A.(MD).No.76 of 2019 etc., batch dated 31.03.2021], the learned Single Judge had allowed the Writ Petition and directed the appellants to consider the approval of appointment of the concerned teacher as B.T. Assistant (Tamil). The order of the Writ Court is assailed in this intra-court appeal.

4. The issue as to whether the educational authorities are empowered to reject the approval of appointment of a teacher in a minority school on the ground that there are surplus teachers in the other schools in the District, has already been dealt with by this Court in several decisions including the decision in *Iruthaya Amali's* case. One such decision was by a co-ordinate Bench of this Court in the case of the **Chief Educational Officer, Tirunelveli District and another Vs. A.X.Mino and another** passed in **W.A.(MD).No.1855 of 2024 dated 16.10.2024**. By placing reliance upon the decision in *Iruthaya Amali's* case, the learned Single Judge had held that the educational authorities cannot reject the application seeking for approval of appointments on this ground. In this background, we do not find any reason to interfere with the order of the learned Single Judge.



W.A.(MD).No.2477 of 2024

5. The other ground raised by the learned Additional Government Pleader for rejection of the proposal for approval of appointment is that the Teacher does not possess a pass in the Teacher's Eligibility Test (TET). This Court in exercise of its powers under Article 226 of the Constitution of India has been consistently holding that a pass in the Teacher's Eligibility Test is not a mandatory pre-requirement for appointment of a Teacher in a minority school and that the educational authorities have no authority to reject a proposal for approval of such appointment made. The orders of the Division Benches of this Court in *W.A.No.179 of 2024*, dated *22.01.2024* [*The Government of Tamil Nadu, Rep. by its Additional Chief Secretary, Department of School Education and others vs. T.Selvarani and another*] and in *W.A.(MD)No.670 of 2024*, dated *12.04.2024* [*The District Educational Officer, Sivagangai and another vs. Y.Joseph Mercy Rani and another*], are two such orders, wherein, this ratio has been upheld.

6. When coordinate Benches have already taken such a view, we see no justification on the part of the authorities in having rejected the proposal of the minority schools seeking for approval of the appointments made. Hence, we do not find any merits in the Writ Appeal.



W.A.(MD).No.2477 of 2024

7. Accordingly, the Writ Appeal stands dismissed. There shall be no order

as to costs. Consequently, connected miscellaneous petition stands closed.

(M.S.R.,J.) (A.D.M.C.,J.)
05.12.2024

NCC : Yes / No
Index : Yes / No
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W.A.(MD).No.2477 of 2024

M.S.RAMESH,J.
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Lm

W.A.(MD).No.2477 of 2024

05.12.2024