



W.P.(MD).No.28758 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 16.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.28758 of 2024

and

W.M.P.(MD).No.24370 of 2024

Sr.A.Roslin Mary

...Petitioner

-Vs-

1. The Govt. of Tamilnadu,
Rep. by its Additional Chief Secretary,
Department of School Education,
Fort. St. George, Chennai-9.

2. The Director of School Education,
DPI Campus, College road, Chennai-6.

3. The District Elementary Educational Officer,
The Office of the Chief Educational Officer,
Tenkasi.

4. The Block Educational Officer,
The Office of the Block Educational Officer,
Kuruvikulam, Tenkasi District.

5. The Correspondent,
R.C. Middle School,
Chidambarapuram,
Kuruvikulam (via),
Tenkasi District-627 754

...Respondents



W.P.(MD).No.28758 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned proceedings, dated 16.10.2024, in Na.Ka.No. 1257/AA4/2024 on the file of the fourth respondent and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner St.Roselin Mary, working as Secondary Grade Teacher in R.C. Middle School, Chidambarapuram-627 754, Kuruvikulam (via), Tenkasi District w.e.f. 04.08.2021.

For petitioner : Mr.Fr.S.Savarimuthu
for
M/s.Father Xavier Associates

For Respondents Nos.1 & 4 : Mr.T.Amjadkhan
Government Advocate

ORDER

The instant writ petition has been filed by a Secondary Grade Teacher appointed to the fifth respondent school challenging the order passed by the fourth respondent, wherein, the appointment of the petitioner has not been approved.

2. According to the learned Counsel appearing for the writ petitioner, the petitioner was appointed as a Secondary Grade Teacher in the fifth respondent school on 03.08.2021. The school management has



W.P.(MD).No.28758 of 2024

forwarded the proposal to the authorities on 02.09.2021. Under the impugned order dated 16.10.2024, the fourth respondent has returned the said proposal on the sole ground that the petitioner has not passed TET examination. This order is put to challenge in the present writ petition.

3. According to the learned Counsel appearing for the writ petitioner, the fifth respondent school is a minority institution and therefore pass in TET examination is not mandatory.

4. Per contra, the learned Government Advocate appearing for the respondent herein had contended that a teacher have not passed the TET examination is not eligible to get approval of her appointment.

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



W.P.(MD).No.28758 of 2024

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 teacher in a Minority Institution.

7. In view of the above said decision of the Hon'ble Division Bench of this Court, the order impugned in this writ petition dated 16.10.2024 is hereby set aside and the fourth respondent is directed to forward the proposal to the third respondent within a period of four weeks from the date of receipt of a copy of this order and thereafter, the third respondent is directed to pass appropriate orders by approving the appointment of the petitioner with effect from 04.08.2021 within a period of eight weeks thereafter.



W.P.(MD).No.28758 of 2024

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8. With the above said observations, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

16.12.2024

Index : Yes/No
Speaking/Non-Speaking order
Neutral Citation : Yes/No
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W.P.(MD).No.28758 of 2024

R.VIJAYAKUMAR,J.
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To

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