



W.P.(MD).No.28996 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.12.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.28996 of 2024

and

W.M.P.(MD).No.24557 of 2024

R.Kalaiselvi

... Petitioner

-VS-

1. The Govt. of TamilNadu,
Rep. by its Additional Chief Secretary,
Department of School Education,
Fort St. Goerge, Chennai-9.
2. The Director of School Education,
DPI Campus, College Road,
Chennai-6.
3. The District Educational (primary) Officer,
The office of the Chief Educational Officer,
Kovilpatti, Tuticorin District.
4. The Block Educational Officer,
The Office of the Block Educational Officer,
Pudur, Tuticorin District.
5. The Block Educational Officer,
The Office of the Block Educational Officer,
Ottapidaram, Tuticorin District.



W.P.(MD).No.28996 of 2024

WEB COPY

6. The Correspondent,
R.C.Primary School,
Pudhupachery,
Ottapidaram, Tuticorin Taluk

7. The Correspondent,
R.C.Primary School, M.Kottur,
Ettayapuram TK, Tuticorin 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 pertaining to the impugned proceedings, dated 10.09.202 and 20.09.2024, in O.Mu.No. 2302/A5/2024 and Na.Ka.No.2703/A5/2024, on the file of the third respondent and quash the same, in respect of the petitioner, directing the respondents to countersign the relieving order and approve the promotion of the petitioner Mrs.R.Kalaiselvi, working as Headmistress, in R.C.Primary School, Pudhupacheri, Ottapidaram, Tuticorin District.

For Petitioner : Mr.FR.S.Savarimuthu

For Respondent Nos.1 to 5 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by a Secondary Grade Teacher appointed to the seventh respondent school, seeking to quash the order passed by the third respondent on 10.09.2024 and 20.09.2024.



W.P.(MD).No.28996 of 2024

WEB COPY

2. According to the learned Counsel appearing for the writ petitioner, the petitioner was initially appointed as a Secondary Grade Teacher in the sixth respondent school. The Corporate Management of the said school had promoted the writ petitioner as Primary School Head Master and posted him to the seventh respondent school by way of order dated 10.06.2024. The management has forwarded the said proposal to the third respondent seeking permission to relieve the petitioner from the sixth respondent school and sought approval for the promotion of the writ petitioner in the post of Headmaster to the seventh respondent school. Those proposals have been rejected by the third respondent in the impugned order dated 10.09.2024 and 20.09.2024, on the sole ground that the petitioner has not passed the TET Examination. He further submits that the sixth respondent and seventh respondent schools are Corporate Management schools administered by minorities. Therefore, the third respondent is not right in insisting upon pass in TET Examination.



W.P.(MD).No.28996 of 2024

WEB COPY

3. Per contra, the learned Additional government Pleader appearing for the Respondent Nos.1 to 5 herein had relied upon the counter and contended that unless the petitioner had acquired the TET examination, the petitioner would not be entitle to promoted as Headmaster in the Primary School.

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

5. 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.

6. Therefore, it is clear that the authorities cannot insist upon pass in TET examination for giving promotion to the petitioner as Primary School Headmaster. Admittedly, the sixth and seventh respondents institutions are administered by minorities.



W.P.(MD).No.28996 of 2024

WEB COPY

7. Considering the above said facts, the impugned orders in this writ petition are hereby set aside. The third respondent is directed to relieve the writ petitioner from sixth respondent school and grant approval to the promotion of the writ petitioner as Primary School Headmaster in the seventh respondent school with effect from 10.06.2024, with all attendant benefits. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

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

20.12.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
gvn



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W.P.(MD).No.28996 of 2024

R.VIJAYAKUMAR,J.

gvn

To

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