



WEB COPY

WP No. 1150 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-12-2025

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THE HONOURABLE MR JUSTICE M.DHANDAPANI

**W.P. No. 1150 of 2024
and W.M.P.Nos.1205 and 1206 of 2024**

Fr. L.Edwin Charles
St. Francis Xaviers Higher Secondary
School, Periakodiveri - 638 503,
Erode District.

Petitioner(s)

Vs

1. The Government of Tamilnadu
Rep. By Its Principal Secretary,
Department of School Education,
Fort St. George, Chennai 9
- 2.The Director of School Education
Dpi Campus, College Road, Chennai 06
- 3.The Chief Educational Officer
Office of The Chief Educational Officer,
227 Old Railway Station Road, Konavailkka,
Marapalam, Erode 638 001
- 4.The District Educational Officer
The Office of the District Educational Officer ,
227 Old Railway Station Road, Konavailkka,
Marapalam, Erode 638 001
- 5.The Correspondent
St. Francis Xaviers Higher Secondary School,
Periakodiveri - 638 503, Erode District.

Respondent(s)



PRAYER

The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned cancellation order dated 4.09.2023 in Na.Ka.No. 5367/ AA3/ 2023 on the file of the 3rd respondent and quash the same directing the respondents to permit the petitioner to continue as B.T. Assistant (Social Science) in the 5th respondent St. Francis Xaviers Higher Secondary School, Periakodiveri - 638 503, Erode District.

For Petitioner(s): Mr. Father Xavier Arul Raj
Senior Counsel
for M/s.Father Xavier Associates

For Respondent(s): Mr. S. Prabhakaran
Government Advocate for R1 to R4

Mr.A.Fancisca for R5

ORDER

The present Writ Petition has been filed for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned cancellation order dated 4.09.2023 in Na.Ka.No. 5367/ AA3/ 2023 on the file of the 3rd respondent and quash the same directing the respondents to permit the petitioner to continue as B.T. Assistant (Social Science) in the 5th respondent St. Francis Xaviers Higher Secondary School, Periakodiveri, Erode District.



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2. The learned Senior Counsel appearing for the petitioner submits that the 5th respondent School is established and administered by the Roman Catholic Diocese of Ooty. The petitioner was appointed as B.T. Assistant (Social Science) in the 5th respondent School with effect from 10.09.2018 in the vacancy arising out of the transfer of one Fr.K.Jayakumar, on 31.05.2018. The relieving order of the 5th respondent was approved by the 3rd respondent vide proceedings dated 17.07.2018. The above post is a regular sanctioned post with Grant-in-Aid from the Government. The petitioner joined in the said School as B.T. Assistant (Social Science) w.e.f.10.09.2018. Thereafter, the proposal of the appointment of the petitioner as B.T. Assistant submitted by the Management to the educational authorities for approval vide proceedings dated 11.03.2020. The 3rd respondent returned the proposal for approval vide proceedings dated 12.08.2020 pointing out some infirmities. After rectifying the mistakes, the 5th respondent resubmitted the proposal on 09.08.2021 and again, the 3rd respondent returned the proposal on 11.08.2021 and thereafter, it was resubmitted on 24.08.2021 and the 3rd respondent recommended for approval after visiting the school on 27.01.2021.



3. He further submits that on 26.10.2021, the 2nd respondent returned the proposal on the ground that the appointment of the petitioner can be considered after implementation of the guidelines framed by the Hon'ble High Court in W.A.(MD).No.76 of 2018, dated 31.03.2021. Aggrieved by the same, the petitioner had filed a Writ Petition before this Court in W.P.No.5067 of 2022 and this Court, by order dated 07.03.2022, issued a direction regarding the approval of the appointment of the petitioner as B.T. Assistant. Thereafter, the 3rd respondent accorded the approval of the appointment of the petitioner as B.T. Assistant w.e.f. 26.11.2018. However subsequently, without any notice, the 3rd respondent cancelled the same on 04.09.2023. Challenging the same, the present Writ Petition has been filed.

4. The learned Senior Counsel appearing for the petitioner submits that the issue arising in this Writ Petition is whether the petitioner is required to obtain T.E.T qualification for appointment and there exists a conflict of views as to whether T.E.T qualification is mandatory for appointment to the post of B.T.Assistant in Aided Minority Schools. It is further submitted that the said issue is presently pending before the Hon'ble Apex Court. In the meanwhile, the Principal Secretary to Government, School Education Department, Chennai, addressed a letter dated 16.04.2025 to the State Government Pleader, wherein it has been stated that as and when similar matters come up for admission/hearing,



it would be appropriate to submit that only if the proposal for approval of appointment with respect to the individual/TET not passed teacher of aided minority school was pending consideration before the authorities concerned prior to 13.01.2023, the said proposal will be considered subject to the final orders to be passed in ***Civil Appeal No.1386 of 2025*** by the Hon'ble Apex Court.

5. It is therefore, submitted that this Court may close the Writ Petition by extending the interim order and by issuing a direction to the respondents to continue paying salary to the petitioner, subject to the result of ***Civil Appeal No.1386 of 2025***, without interfering with the disbursement of the salary until disposal of the Civil Appeals by the Hon'ble Supreme Court, in terms of the Letter dated 16.04.2025.

6. The learned Government Advocate appearing for the respondents did not dispute the facts that are submitted by the learned Senior Counsel appearing for the petitioner.

7. Heard the learned counsel appearing on either side and perused the materials placed before this Court.



8. Considering the facts and circumstances of the case, this Writ Petition stands disposed of with a direction to the respondents to permit the petitioner to continue as B.T. Assistant in the 5th respondent School till the disposal of the ***Civil Appeal No.1386 of 2025*** pending on the file of the Hon'ble Apex Court, in terms of the Letter of the Principal Secretary to Government dated 16.04.2025. The respondents are also directed to continue to pay the salary to the petitioner. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

01-12-2025

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Index :Yes/No
Speaking/Non-speaking order
Internet :Yes
Neutral Citation :Yes/No



To

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Department of School Education,
Fort St. George, Chennai 9
2. The Director of School Education
Dpi Campus, College Road,
Chennai 06
3. The Chief Educational Officer
Office of the Chief Educational Officer,
227 Old Railway Station Road,
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M. DHANDAPANI, J.

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