



WEB COPY

W.A.No. 1865 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.SURENDER

W.A.No. 1865 of 2025
and
C.M.P.No. 14235 of 2025

1. The Director of Elementary Education,
DPI Compound, College Road,
Nungambakkam, Chennai - 600 006.

2. The District Educational Officer (Elementary),
Thirupattur, Thirupattur District - 635 752.

3. The Block Educational Officer,
Natarampalli,
Thirupattur District - 635 852.

...Appellants

Vs.

Madrasa-E-Azam Govt.Aided Primary School,
Rep. by its Manager & Correspondent,
Fort Mosque Street,
Fort Vaniyambadi - 635 751,
Thirupattur District.

... Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, against the order dated 04.03.2024 made in W.P.No. 5680 of 2024.



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For Appellants : Mr.R.Neethiperumal

Government Advocate

For Respondent : Mr.S.N.Ravichandran

JUDGMENT

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

Challenge is to the order of the writ Court dated 04.03.2024 made in

W.P.No.5680 of 2024, in and by which, the rejection of the proposal for approval of the appointment of one M.K.Hajira as Secondary Grade Teacher with effect from 01.02.2022 on the ground that she had not acquired TET qualification. On appointing the said M.K.Hajira as a Secondary Grade Teacher, the School sent a proposal on 24.08.2022. The said proposal was returned on the ground that there was a surplus Teachers in the District vide order dated 07.02.2023 bearing O.Mu.No.400/Aa4/2022. This was put in issue in W.P.No.23423 of 2023.

2. This Court allowed the writ petition and directed the School to re-submit the proposal. A further direction was issued to the Department to consider the proposal on merits. This time, the 1st appellant chose another reason namely, non-completion of TET by the appointee to return the



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proposal by his order dated 21.11.2023. The said order dated 21.11.2023 was questioned in W.P.No.5680 of 2024. The learned single Judge has allowed the writ petition after referring to the judgment of this Court in ***The Secretary to Government Vs. S.Jayalakshmi and another reported in 2016 (4) CTC 841*** wherein, this Court held that the G.O.Ms.No.181, School Education Department dated 15.11.2011, which makes TET mandatory for primary school Teachers will not apply to minority Institutions. It is this order of the learned single Judge which is under challenge in this appeal. G.O.Ms.No.181 dated 15.11.2011 was held to be inapplicable to minority Schools by a Division Bench of this Court even as early as in 2016 in the judgment referred to supra. However, the same view was reiterated by yet another Division Bench of this Court in W.A.No.313 of 2002 etc., batch in its order dated 14.06.2023.

3. In the teeth of the above two Division Bench judgments, the 1st appellant has chosen to return the proposals for approval on the very same ground. Even after the writ Court decided in favour of the School, the State has decided to pursue an appeal against the said order, on an issue which is covered by two Division Bench judgments of this Court. The learned Government Pleader has very fairly conceded that the issue is covered by the

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Division Bench judgments of this Court.

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4. Hence, this Writ Appeal is **dismissed** with costs of Rs.1,00,000/.

The State will pay the costs to the School within a period of four weeks from today and the State will recover the same from the Officer who passed the order dated 21.11.2023. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (K.S., J.)
24.06.2025

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Internet: Yes

Index: No

Speaking

Neutral Citation : No

Note: Issue order copy on 26.06.2025.

To:-

1. The Director of Elementary Education,
DPI Compound, College Road,
Nungambakkam, Chennai - 600 006.

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2. The District Educational Officer (Elementary),
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R.SUBRAMANIAN, J.
and
K.SURENDER, J.

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