



W.P.No. 3669 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

Dated : 20.02.2025

CORAM:

THE HONOURABLE MR JUSTICE C.V. KARTHIKEYAN

W.P.No.3669 of 2024 and
W.M.P. No.3959 of 2024

D. Praburaj

... Petitioner

VS

1. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
2. The Chief Educational Officer,
Kanchipuram District,
Kanchipuram.
3. The District Educational Officer (Secondary),
Kanchipuram Educational District,
Kanchipuram District.
4. The Correspondent,
Anderson Higher Secondary School,
Kanchipuram 631 501.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ, order, or direction more particularly a writ in the nature of Writ of Certiorarified Mandamus to call for the records relating to the impugned proceedings issued by the 3rd respondent in



W.P.No. 3669 of 2024

Na.Ka. No.2095/Aa1/2021 dated 25.05.2022 and to quash the same and consequently directing the respondents 1 to 3 to approve the appointment of petitioner in the post of B.T. Assistant (English) in 4th respondent school with effect from 22.10.2018 with all consequential and other attendant benefits, including the arrears of salary.

For Petitioner : Mr. S. Nedunchezhiyan

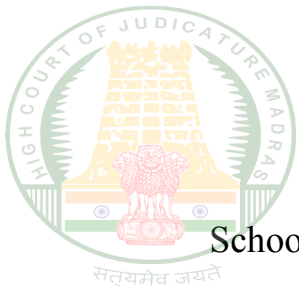
For R1 to R3 : Mrs. S. Mythereye Chandru
Special Government Pleader

ORDER

This Writ Petition has been filed in the nature of a certiorarified Mandamus seeking the records relating to the proceedings issued by the third respondent dated 25.05.2022 and to quash the same.

2. The petitioner seeks a consequential direction against the respondents 1 to 3 to approve the appointment of the petitioner as B.T. Assistant (English) in the fourth respondent school with effect from 22.10.2018 together with consequential and other attendant benefits including arrears of salary.

3. In the affidavit filed in support of this Writ Petition it had been contended that the fourth respondent school, Anderson Higher Secondary

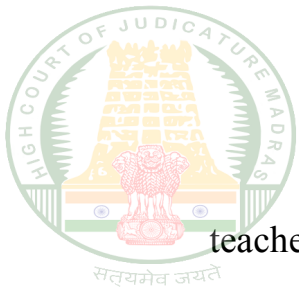


W.P.No. 3669 of 2024

WEB COPY

School at Kancheepuram, is a Christian Minority Institution coming under the management of Church of South India. There are about 2700 students studying the said school. It is an aided religious minority institution. It had been further contended that owing to the retirement of a secondary grade teacher, a vacancy had arisen on and from 01.06.2017. It was also contended that being a minority institution, the G.O. M.S. No.144, School Education Department dated 04.07.2008 would not be directly applicable to the fourth respondent school and the fourth respondent school would have the right to upgrade the post to B.T. Assistant. It had also been stated that the fourth respondent school being a minority institution and recognised as a minority institution, could also appoint teachers not qualified in Teacher Eligibility Test (TET).

4. The impugned order proceeds on the basis that the fourth respondent school had upgraded the post of secondary grade teacher to B.T. Assistant and therefore, placing reliance on G.O. M.S. No.144 dated 04.07.2008, had refused to grant approval to the appointment of the petitioner. In the impugned order it had also been contended that the petitioner was not qualified in TET examination and therefore, was not eligible to be considered for appointment to the post of B.T. Assistant



W.P.No. 3669 of 2024

teacher. But, however, both the issues no longer survive adjudication by

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M.S. No.144 of 04.07.2008, it had been contended by the learned counsel for the petitioner that a Division Bench of this Court by a judgment reported in **2016 SCC Online Mad 26972 (A.Firdose Begum vs. The Secretary to Government, School Education Department of Tamil Nadu, Chennai)** had very categorically stated that a minority school would have the right to upgrade the sanctioned post. This observation by the Division Bench was issued with specific reference to G.O. M.S. No.144, School Education Department dated 04.07.2008. That observation by the Division Bench is binding on this Court.

5. With respect to the second issue of qualification of TET examination, again a Division Bench of this Court in W.A. No.19 of 2023 batch, by an order dated 14.06.2023, issued a clarification that TET is not a necessary mandate for teachers appointed in minority schools. An earlier Division Bench judgment had so stated and it was clarified that the observation of mandatory requirement, and it had been very specifically stated that the principle laid down, namely, that qualification in TET is a necessary mandate for teachers, would not be



W.P.No. 3669 of 2024

applicable for teachers appointed to minority institutions. It is thus

clear that the impugned order necessarily has to be set aside and interfered with and it is set aside .

6. The Writ Petition stands allowed. A direction is given to the second / third respondent to grant approval of the appointment of the petitioner to the post of B.T. Assistant (English) on and from 22.10.2018 and also grant approval for disbursement of consequential and all other benefits which were attached to the post of B.T. Assistant (English) and pass appropriate orders within a period of ten (10) weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition stands allowed. No costs. Consequently connected miscellaneous petition is closed.

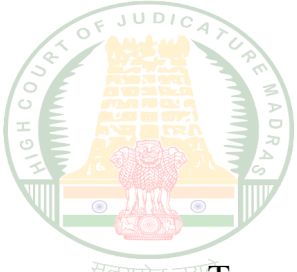
20.02.2025

Internet : Yes / No

Index: Yes / No

Speaking order / Non speaking order

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W.P.No. 3669 of 2024

To
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1. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
2. The Chief Educational Officer,
Kanchipuram District,
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W.P.No. 3669 of 2024

C.V. KARTHIKEYAN, J.

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