



W.A.No.887 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.09.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

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and C.M.P.No.5940 of 2022

1.The Commissioner
Directorate of School Education
DPI Campus, College Road
Chennai 600 006

2.The Chief Educational Officer
Chennai

3.The District Educational Officer
Office of the District Education Office
Chennai East
Chennai 600 005

... Petitioners

Vs.

Shree G.K.Jain Higher Secondary School
Represented by its Correspondent
15, 180 M.S.Koil St
Pudumanaikuppam
Royapuram, Chennai
Tamil Nadu 600 013

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letter Patent, praying to set



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aside the order dated 05.10.2021 made in W.P.No.21430 of 2021 and allow the Writ Appeal.

For Appellants : Mr.Neethiperumal
Government Advocate

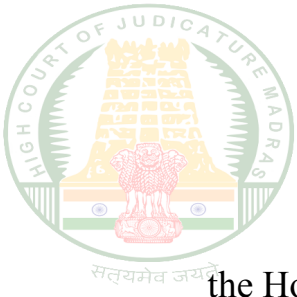
For Respondent : Mr.Dakshayani Reddy
Senior Counsel for Ms.Sunitha

JUDGMENT

M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

The respondent, seeking approval of the appointment of the B.T. Assistant viz. Mr.Shiv Kumar Shukla, was rejected by the appellants only on the ground that he did not qualify himself in the Tamil Nadu Teacher Eligibility Test (TET).

2.The respondent herein is the minority aided school. In a recent decision by the Hon'ble Supreme Court dated 01.09.2025 in Civil Appeal No.1385 of 2025, the Hon'ble Supreme Court had held that the provisions of the RTE Act requires to be complied with all schools except the schools established and administered by the minority, whether religious or linguistic, till such time the reference in *Pramati Educational and Cultural Trust v. Union of India (W.P.(C) No.416 of 2012)* is decided by



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the Hon'ble Supreme Court. However, in the instant case, the Government has never conducted TET for Hindi specialised teachers. Incidentally, TET has also not been conducted for Urdu and Sanskrit specialised teachers. According to the learned Government Advocate appearing for the appellants, a proposal is pending before the Government in this regard for conducting TET for these languages.

3. When the Government itself has not conducted TET for Hindi, rejecting the application seeking for approval of the appointment as a B.T. Assistant, on the ground of non qualification in TET, will be unjustifiable, more particularly, when it is a post sanctioned by the Educational Authorities themselves. However, such approval shall be subject to the final decisions to be taken by the Hon'ble Supreme Court in ***Pramati Educational and Cultural Trust v. Union of India.***

4. In the light of the aforesaid observations and findings, no

M.S.RAMESH, J.
and
R.SAKTHIVEL, J.
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interference is required to the order passed by the writ court. Accordingly



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there shall a direction to the appellants to pass appropriate orders, granting approval to the appointment of Mr.Shiv Kumar Shukla, B.T. Assistant in the respondent's school from the date of his original appointment i.e. 04.04.2019. Such order shall be passed atleast within a period of four (4) weeks from the date of receipt of a copy of this order.

5.The Writ Appeal stands disposed of accordingly. No costs.
Consequently, the connected miscellaneous petition is closed.

[M.S.R, J.] [R.S.V, J.]
23.09.2025

kas

Index: Yes / No
Neutral Citation
Speaking / Non Speaking

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