



W.P. No.12493 of 2025 and etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 11.09.2025

CORAM:

THE HON'BLE MR. JUSTICE A.D. JAGADISH CHANDIRA

W.P. Nos.12493, 12496, 12499 and 12503 of 2025

and

W.M.P. Nos.14096, 14097, 14099 and 14102 of 2025

Khaire Jaree Aided Middle School
Rep. by its Correspondent,
M. Abdul Jameel

... Petitioner in all W.Ps

vs.

1. The Director of Elementary Education,
DPI Campus,
College Road,
Chennai – 600 006.

2. The District Educational Officer (Elementary),
Ranipet,
Ranipet District.

3. The Block Educational Officer,
Arcot Block Mupuduvetti,
Ranipet District.

... Respondents in all W.P.s

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India praying to issue Writ of certiorarified Mandamus calling for the records of the 2nd respondent herein in Na.Ka. No.315/Aa4/2022, dated 27.12.2024 and quash the same and consequently direct the respondents to grant approval to the appointment of Thiru A.G. Abdullah Basha Secondary Grade Teacher with



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effect from 03.06.2020; Mohammed Nazarullah with effect from 02.07.2018 ; C.S. Nazeer Ahmad as Secondary Grade Teacher Secondary Grade Teacher with effect from 12.10.2020 and Y. Gouser Siddque Secondary Grade Teacher (Urudu) with effect from 10.02.2021 respectively with all service and monetary benefits by taking into account the fact Teacher Eligibility Test is not an essential qualification since the petitioner's school is the minority institution.

In all W.P.s

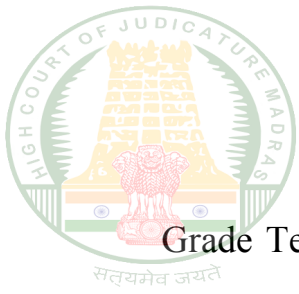
For petitioner : Ms. Dakshayani Reddy
Senior Advocate
Assisted by
Ms.S. Suneetha

For respondents : Mrs. S. Mythreye Chandru
Special Govt. Pleader (Education)

COMMON ORDER

The challenge in these writ petitions is to order dated 27.12.2024 passed by the 2nd respondent rejecting the approval of appointment of Secondary Grade Teachers on the ground that they did not possess Teacher Eligibility Test (TET) qualification.

2. The case of the petitioner is that it is a minority educational institution. On account of the vacancies that arose in the post of Secondary



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Grade Teachers, it had selected and appointed teachers in the said post. The petitioner had sent a proposal to the respondents seeking approval of the appointment of the said Secondary Grade Teachers. However, the same had been rejected on the ground that they did not acquire TET qualification. Aggrieved by the same, the petitioner is before this Court.

3. Learned Senior Counsel for the petitioner submits that the petitioner is a minority religious institution and the respondents have no power to interfere with the administration of the minority institution as religious and linguistic minorities have a special constitutional right to establish and administer educational schools of their choice.

4. In this regard, she relies on the judgment of the Supreme Court in ***Pramati Educational and Cultural Trust & Others V. Union of India and others ((2014) 8 SCC 1)*** and contends that the State has no power to interfere with the administration of minority institutions and the State can make only regulatory measures. Thus, the power under Article 21A of the Constitution of India vesting in the State cannot extend to making any law which will abrogate the right of the minorities to establish and administer schools of their choice.



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WEB COPY 5. She further submits that the petitioner School, being a stand alone minority institution, is entitled to fill up the post inasmuch as it is within the sanctioned strength.

6. She also submits that since the minority educational institutions, by themselves, are a separate class and their rights are protected by constitutional provisions, the mandatory TET qualification is not applicable to the petitioner school and the respondents cannot insist upon the same.

7. Per contra, learned Special Government Pleader for the respondents would submit that if a vacancy arises due to retirement, death etc., and if the post is found to be eligible for being filled up, it should be filled up by deploying all the surplus teachers available in the district and the petitioner cannot fill up the same by themselves. Hence, the appointment made by the petitioner in respect of four persons could not be approved.

8. Heard both learned counsel and perused the materials placed on record.



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9. It is not in dispute that the petitioner is a minority aided institution and is exempted from the mandatory TET qualification. Admittedly, the petitioner School is eligible to fill the post as per the strength and the staff fixation, but, the same should be from the list of surplus teachers maintained at the district level instead of the petitioner itself making fresh appointment. However, since the petitioner school is a stand alone institution, their right to fill up the vacancy within the sanctioned strength will not be affected on account of the surplus staff available.

10. In any event, learned counsel for the petitioner submits that in the event of the teachers, whose appointments have not been approved, being declared as surplus, they have no objection in being deployed to any other school. The individual teachers have also filed an Affidavit of Undertaking dated 11.09.2025 before this Court in this regard.

11. In the light of the above, impugned orders, all dated 27.12.2024 are hereby set aside and the Affidavits of Undertaking dated 11.09.2025 filed by the individual Teachers are taken on record. The second respondent is directed to pass orders approving to the appointment of the Teachers as Secondary Grade Teachers within a period of six weeks from date of receipt of a copy of



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this order. In the light of the undertaking given by the individual Teachers, the

respondents are at liberty to deploy them, if need be, to any other school based on the students strength.

12. These writ petitions are disposed of with the aforesaid directions. No costs. Consequently, connected miscellaneous petitions are closed.

11.09.2025

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Index:Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
vsi2

To
1. The Director of Elementary Education,
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