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W.P.No.12479 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.08.2025

CORAM:

THE HONOURABLE Ms. JUSTICE P.T.ASHA

W.P.No.12479 of 2025

Islamiah Higher Secondary School,
Represented by its Correspondent,
M.Nisar Ahmad, S/o.Mohammad Basha,
Pernambut,
Vellore District

... Petitioner

Vs.

1. The Director of School Education,
(Secondary),
DPI Campus,
Chennai 600 006.

2. The Chief Educational Officer,
Vellore District.

3. The District Educational Officer (Secondary)
Vellore, Vellore District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the Respondents herein to grant approval to One A.W. Abdul Azeez to the post of P.G. Assistant from 03.06.2019 with service and



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monetary benefit by taking into account the fact that the appointment is made within the sanctioned strength.

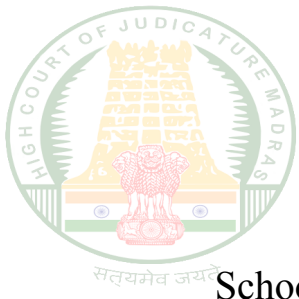
For Petitioner : M/s.Dhakshyani Reddy,
Senior Counsel for
M/s.S.Suneetha

For Respondents-1 to 3 : Mr.S.Prabhakaran
Government Advocate

ORDER

Seeking a mandamus to the respondents to grant approval for the appointment of one A.W.Abdul Azeez to the post of P.G. Assistant from 03.06.2019 with service and monetary benefits, the petitioner is before this Court.

2. The petitioner-School is a religious Muslim Minority Institution established in the year 1948 and it largely caters to the economically backward classes of the minority population in the nearby villages. The petitioner-School is an aided School and from time to time is sanctioned with various posts based on students strength. At present, there are about 1800 students studying in the



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School. The petitioner-School has been sanctioned 8 posts of P.G Assistant(Science) and one of which is for PG Assistant (Physics). One Abdul Azeez was appointed as P.G. Assistant (English) with effect from 03.06.2019 in the place of one Humayun Basha, who had been promoted to the post of Head Master(Higher Secondary). The petitioner-School sent a proposal to the respondent which was returned by the 2nd respondent to the 3rd respondent vide proceedings dated 25.11.2024 raising certain queries. Thereafter, the proposal was re-submitted before the 3rd respondent. The petitioner-School would submit that though a fully qualified individual was appointed within the sanctioned strength and available vacancy the respondents have not granted the approval for the same to date. Therefore, the petitioner is before this Court.

3. Heard the learned counsels on either side and perused the materials available on record.

4. The petitioner-institution seeks approval in respect of the



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appointment of one Abdul Azeez who has been appointed as PG Assistant (Physics). This post is a sanctioned post and the vacancy has arisen on account of the earlier employee being promoted. The respondents by not passing any orders have clearly abdicated their duty.

5. A Division Bench in the judgement reported as *Forum of Minority Institutions and Associations in State of Tamil Nadu in [2011 SCC Online Mad 17 = (2011) 1 CTC 162]* has discussed in extenso the various decisions of the Hon'ble Supreme Court regarding the autonomy of Minority Institutions guaranteed under Article 30(1) of the Constitution of India and the extent of State interference to these institutions appointing employees. The Division Bench ultimately set out the instances where State could regulate in respect of employees of minority educational institutions receiving aid from the state as follows:

“57.The Hon'ble Supreme Court was further pleased to lay down that extension of Regulations by



the state, permissible in respect of employees of minority educational institutions receiving aid from the State could only be to:

- (i) the minimum qualifications, experience and other criteria bearing on merit, for making appointments,*
- (ii) the service conditions of employees without interfering with the overall administrative control by the management over the staff,*
- (iii) a mechanism for redressal of the grievances of the employees,*
- (iv) the conditions for the proper utilisation of the aid by the educational institutions, without abridging or diluting the right to establish and administer educational institutions.*

All laws made by the State to regulate the administration of educational institutions and grant of aid will apply to minority educational institutions also. But if any such Regulations interfere with the overall administrative control by the management over the staff, or abridges/dilutes, in any other manner, the right to establish and administer educational institutions, such Regulations, to that extent, will be inapplicable to Minority Institutions”



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6. The Division Bench had gone on to state that the right of minority institutions under Article 30 of the Constitution of India was an absolute right and any regulation interfering with the right of administration of the Constitution was violative of Article 30 of the Constitution of India.

7. The mandatory requirement of a TET qualification for appointment as teachers is also not applicable to the minority institution. A division Bench of this Court in the Judgment in W.A No. 1865 of 2025 following an earlier Division Judgment reported in **2016) 4 CTC 841 [The Secretary to Government Vs. S.Jayalakshmi and another]** reiterated that TET is not mandatory for minority institutions.

8. Therefore, in the light of the above, the writ petition is allowed and a mandamus is issued to the respondents to grant



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approval to the petitioner-School for the appointment of Abdul Azeez to the post of P.G. Assistant within a period of two months from the date of receipt of copy of this order. No costs.

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Index : Yes/No
Speaking Order : Yes / No
srn

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P.T.ASHA, J.,

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