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Cont P.No.2186 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2025

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ**

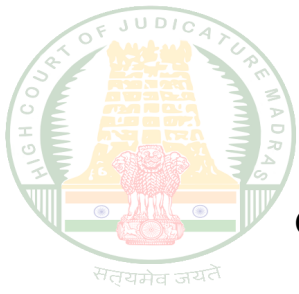
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M.Velayutham
S/o.V.Murugesan

... Petitioner

Vs.

1. Thiru.Arivoli
The Director of School Education
DPI Campus, College Road
Chennai-600 006.
2. Tmt.Karpagam
The Chief Educational Officer
Chengalpattu District
Chengalpattu.
3. Thiru.Ravichandran
The District Educational Officer
Chengalpattu Education District
Chengalpattu District.
4. Dr.Girija Seshadri
The Secretary
Jaigopal Garodia National Higher Secondary School
East Tambaram



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Chenani-600 059.

... Respondents

WEB COPY **Prayer :**

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, praying to punish the respondents for willfully disobeying the order passed in W.A.No.313 of 2022 dated 02.06.2023.

For Petitioner	:	Mr.G.Sankaran Senior Counsel for Mr.S.Nedunchezhiyan
For Respondents	:	Mr.J.C.Durairaj Additional Government Pleader

ORDER

(Order of the Court delivered by S.M.SUBRAMANIAM.J.,)

The contempt petition has been filed to punish the respondents for their willful disobedience of the order of this Court dated 02.06.2023 passed in W.A.No.313 of 2022.

2. Mr.J.C.Durairaj, learned Additional Government Pleader would submit that Hon'ble Supreme Court of India considered the issue in the case of *Anjuman Ishaat-E-Taleem Trust Vs. The State of Maharashtra and*



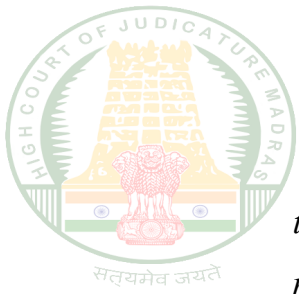
others reported in **2025 INSC 1063**. The operative portion of the above order is extracted hereunder:

"VIII Order on applicability of the TET to in-service teachers

214. Per the detailed discussions above and resting on the same, we hold that the provisions of the RTE Act have to be complied with by all schools as defined in Section 2(n) of the RTE Act except the schools established and administered by the minority – whether religious or linguistic – till such time the reference is decided and subject to the answers to the questions formulated above under Section VII. Logically, it would follow that in-service teachers (irrespective of the length of their service) would also be required to qualify the TET to continue in service.

215. However, we are mindful of the ground realities as well as the practical challenges. There are in-service teachers who were recruited much prior to the advent of the RTE Act and who might have put in more than two or even three decades of service. They have been imparting education to their students to the best of their ability without any serious complaint. It is not that the students who have been imparted education by the non-TET qualified teachers have not shone in life. To dislodge such teachers from service on the ground that they have not qualified the TET would seem to be a bit harsh although we are alive to the settled legal position that operation of a statute can never be seen as an evil.

216. Bearing in mind their predicament, we invoke our powers under Article 142 of the Constitution of India and direct that



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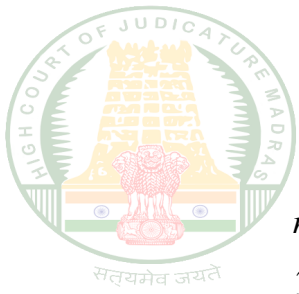
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those teachers who have less than five years service left, as on date, may continue in service till they attain the age of superannuation without qualifying the TET. However, we make it clear that if any such teacher (having less than five years service left) aspires for promotion, he will not be considered eligible without he / she having qualified the TET.

217. Insofar as in-service teachers recruited prior to enactment of the RTE Act and having more than 5 years to retire on superannuation are concerned, they shall be under an obligation to qualify the TET within 2 years from date in order to continue in service. If any of such teachers fail to qualify the TET within the time that we have allowed, they shall have to quit service. They may be compulsorily retired; and paid whatever terminal benefits they are entitled to. We add a rider that to qualify for the terminal benefits, such teachers must have put in the qualifying period of service, in accordance with the rules. If any teacher has not put in the qualifying service and there is some deficiency, his/ her case may be considered by the appropriate department in the Government upon a representation being made by him/her.

218. Subject to what we have said above, it is reiterated that those aspiring for appointment and those in-service teachers aspiring for appointment by promotion must, however, qualify the TET; or else, they would have no right of consideration of their candidature.

219. With the aforesaid modification of the impugned judgments / orders, all the appeals relatable to in-service teachers of



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non-minority schools stand disposed of on the above terms."

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3. Mr.G.Sankaran, learned Senior Counsel appearing on behalf of the petitioner would submit that the allowance as ordered by this Court is to be disbursed in favour of the petitioner.

4. Once the eligibility criteria has already been decided by Hon'ble Apex Court of India, this Court cannot further interpret the scope of the order of Hon'ble Apex Court. Therefore, the respondents have not committed any willful disobedience of the order dated 02.06.2023 passed in W.A.No.313 of 2022.

In view of the above, the Contempt Petition stands closed.

[S.M.S.J.,] [M.S.Q.J.,]
22.09.2025

Index : Yes
Speaking Order : Yes/No
Neutral Citation : Yes/No

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