



WP NO. 27695 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01-08-2025

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THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

WP NO. 27695 of 2025

AND

WMP NO. 31033 OF 2025, WMP NO. 31032 OF 2025

The Correspondent
Carmel Girls Higher Secondary School, Karur Road,
Kangayam, Tirupur

Petitioner(s)

Vs

1. The State Of Tamilnadu
Rep By Secretary, Department Of School Education, Fort St
George, Chennai 600 009.

2. The Director Commissioner Of School Education
College Road, Chennai 600 006

3. The Chief Educational Officer
The Chief Educational Office, 5th Floor District Collectorate Campus,
Tirupur

4. The District Educational Officer
District Educational Office, 6th Floor District
Collectorate Campus, Tirupur 641 604.

Respondent(s)

PRAYER: Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing Calling for records relating to the impugned order passed by the 3rd respondent chief educational officer in O Mu No. 6664/Aa2/2024 dated 08.08.2024 as signed refusing approval of appointment of Sr. Antony Devadasammal as BT assistant (History) with effect from



07.06.2017 quash the same and further direct the 3rd and 4th respondents

approve the appointment of Sr. Antony Devadasammal as BT Assistant (History)

in the petitioners school with effect from the date of her appointment viz

06.06.2018 and release salary and all attendant benefits with effect from the said

date and pass orders accordingly.

For Petitioner(s): Ms. Mary Sowmi Rexi H

For M/s.Isaac Chambers

For Respondent(s): M/s.S. Mythreye Chandru S.G.P For R1 To R4

ORDER

The present Writ petition has been filed challenging the impugned order dated 08.08.2024 by which approval sought by the petitioner for appointment of BT Assistant in History, was returned on the ground that one Antony Devadasammal who was appointed in the sanctioned post, did not possess Teachers Eligibility Test thereby the respondents have rejected the proposal of the petitioner.

2. The learned counsel for the petitioner would contend that by virtue of the Judgment dated 24.06.2025 passed by the Division Bench of this Court in W.P. No.1865 of 2025 in *"The Director of Elementary Education, Vs.Madrassa-E-Azam Govt. Aided Primary School*, after referring to the Judgment of this Court



in "**Secretary to Government Vs. Jayalakshmi and another reported in 26**



CTC 841 observed that TET is not mandatory for minority aided Institution.

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3. At this juncture, the learned Special Government Pleader would submit that by letter dated 15.04.2025 of the Principal Secretary to Government Education Department, informed to the Special Government Pleader and Government Advocate that any proposal of approval which has been forwarded prior to 13.01.2023, will be considered even the candidate does not possess TET.

4. Heard both sides and perused the material available on records. Further, It is not disputed that the petitioner is not a minority aided institution.

5. In view of the above fair submission of the learned Special Government pleader, the very rejection of the approval of the appointment in the impugned order dated 08.08.2024 is in contravention to the Division Bench Judgment of this Court dated 24.06.2025 in W.P. No.1865 of 2025 in "**The Director of Elementary Education, Vs.Madrassa-E-Azam Govt. Aided Primary School**. For ready reference, this Court deems it appropriate to extract the Para No.2, and 3.

"2. This Court allowed the Writ petition and directed the School to



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re-submit the proposal. A further direction was issued to the Department to consider the proposal on merits. This time, the 1st appellant chose another reason namely, non-completion of TET by the appointee to return the proposal by his order dated 21.11.2023.

*The said order dated 21.11.2023 was questioned in W.P. No.5680 of 2024. The learned single Judge has allowed the Writ petition after referring to the Judgment of this Court in **The Secretary to Government Vs. Jayalakshmi and another reported in 2016 (4) CTC 841** wherein, this Court held that G.O. Ms.No.181, School Education Department dated 15.11.2011, which makes TET mandatory for primary school Teachers will not apply to minority Institutions. It is this order of the learned Single Judge which is under challenge in this appeal. G.O. Ms. No.181 dated 15.11.2011 was held to be inapplicable to minority Schools by a Division Bench of this Court even as early as in 2016 in the Judgment referred to supra. However, the same view was reiterated by yet another Division Bench of this Court in W.A. No.313 of 2002 etc. batch in its order dated 14.06.2023.*

3. In the teeth of the above two Division Bench Judgments, the 1st appellant has chosen to return the proposals for approval on the very same ground. Even after the Writ Court decided in favour of he School, the State has decided to pursue an appeal against the said order, on an issue which is covered by two Division Bench Judgments of this Court. The learned Government Pleader has very



*fairly conceded that the issue is covered by the Division Bench
Judgments of this Court."*



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6. In view of the above settled legal position, this Court finds grounds to interfere with the impugned order dated 08.08.2024. Hence, the Respondents 3 and 4 are directed to approve the appointment of Sr. Antony Devadasammal in the petitioner's school with effect from her appointment dated 07.06.2017 and release her salary and all attendant benefits subject to applicable rules and pass orders within a period of eight weeks from the date of receipt of copy of this order.

7. In the result, the Writ Petition is disposed of with the aforesaid directions. No costs. Consequently, connected miscellaneous petitions are closed.

01-08-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Lbm

C.KUMARAPPAN J.



Lbn



To

1. The State Of Tamilnadu

Rep By Secretary, Department Of School Education, Fort St
George, Chennai 600 009.

2. The Director Commissioner Of School Educaton
College Road, Chennai 600 006

3. The Chief Educational Officer
The Chief Eduational Office, 5th Floor District Collectorate Campus,
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