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W.A.No.2278 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE C. SARAVANAN

W.A.No.2278 of 2022

and

C.M.P.No.17375 of 2022

D.Selvakumar

... Appellant

Vs.

1.The Government of Tamil Nadu,
Represented by its Principal Secretary,
School Education Department,
Fort St. George, Secretariat,
Chennai – 600 009.

2.The Director of School Education,
D.P.I. Campus,
College Road, Nungambakkam,
Chennai – 600 006.

3.The Chief Educational Officer,
Nagapattinam,
Nagapattinam District.



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4.The District Educational Officer,
Nagapattinam District,
Nagapattinam.

5.St.Sebastian's High School,
Represented by its Correspondent,
Kameshwaram East,
Kameshwaram – 611 110,
Kilevelure Taluk, Nagapattinam District.

.. Respondents

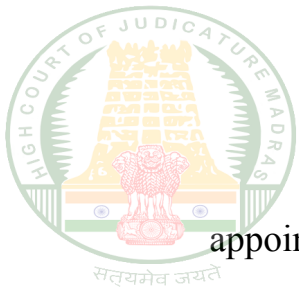
Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 09.09.2022 in W.P.No.3309 of 2016 on the file of this Court.

For Appellant	:	Mr.B.Ravi
For R1 to R4	:	Mr.J.C.Durairaj Additional Government Pleader
For R5	:	No appearance

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

This Writ Appeal is directed against the order of the learned Single Judge of this Court, dated 09.09.2022, dismissing the writ petition in W.P.No.3309 of 2016 filed by the appellant for issuance of a Writ of Mandamus directing the respondents 1 to 4 to approve the appellant's



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appointment as B.T. Assistant in the 5th respondent School, which is a minority School, with effect from 01.06.2015, without insisting Teachers Eligibility Test (TET) Pass Certificate.

2. Brief facts that are necessary for the disposal of this Writ Appeal are as follows :

The appellant, with a qualification of B.Sc. (Zoology) and B.Ed., was appointed as B.T. Assistant (Science) in the sanctioned post in the 5th respondent School, which is an Aided Minority Institution. When the 5th respondent School sent a proposal for approval of appointment of the appellant, the 4th respondent returned the proposal on the ground that the appellant did not possess the Certificate of passing Teachers Eligibility Test (TET) which is a required qualification as per the NCTE Regulations. It is in the said circumstances, the appellant filed the writ petition.

3. The writ petition was dismissed by the learned Single Judge by the order impugned in the Appeal holding that TET is an essential qualification which cannot be dispensed with in any circumstance. It is further observed



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by the learned Single Judge that, whether it is a minority Institution or an Institution run by others, the educational qualification prescribed by the State pursuant to the Regulations issued by NCTE, have to be scrupulously followed.

4. Aggrieved by the order of the learned Single Judge, the writ petitioner has preferred the above Appeal.

5. Learned counsel appearing for the appellant pointed out that this Court, in several cases, has uniformly taken a view that TET qualification is not mandatory for Minority Institutions. The position is not disputed by the learned Additional Government Pleader who appears for the respondents. Though it is stated that the Government have preferred a batch of Civil Appeals before the Hon'ble Supreme Court in C.A.Nos.1384, 1387, 1388, 1412-1413, 1402, 1394, 1400 & 1411 of 2025, challenging several orders of Division Bench of this Court dispensing with TET for Minority Institutions in favour of teachers appointed in Minority Institutions, it is now brought to the notice of this Court by the learned counsel appearing for the appellant



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and also admitted by the learned Additional Government Pleader that those

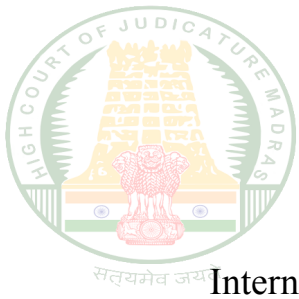
Appeals were later dismissed as withdrawn by order dated 20.02.2025.

6.In such circumstances, the submission of learned counsel on either side is to the effect that the Government have taken a policy decision to dispense with TET in respect of Minority Institutions whenever appointments are made in Minority Institutions. Since the Government has taken a policy decision on the basis of catena of judgments of this Court, this Court is not inclined to take a different view in this case.

7.In that view of the matter, this Writ Appeal is allowed and the order of the learned Single Judge, dated 09.09.2022, made in W.P.No.3309 of 2016 is set aside, and the writ petition in W.P.No.3309 of 2016 stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

(S.S.S.R., J.) (C.S.N., J.)
14.03.2025

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Internet : Yes

Index : Yes

Neutral Citation : Yes

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