



W.P. No.34084 of 2025

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. No.34084 of 2025

E.K. M. Abdul Gani Matharasa
Islamia High School,
Rep. by its Correspondent,
G. Muhammad Thaj Muhyideen

... Petitioner

vs.

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

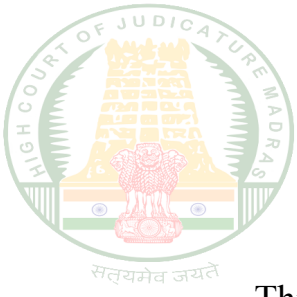
2. The Chief Educational Officer,
Erode District,
Erode.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Mandamus directing the respondents 2 and 3 to pass orders granting approval of appointment of Tmt. A. Shifana Yasmin in the sanctioned post of B.T. Assistant (Science) with effect from 12.06.2023 with all consequential and other attendant benefits including assessment of salary within a time frame to be fixed by this Court.

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



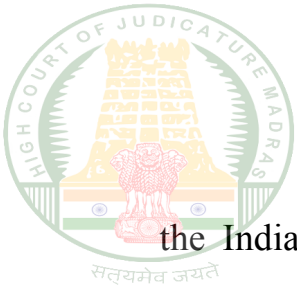
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ORDER

This Writ Petition has been filed by E.K.M.Abdul Gani Matharasa Islamia High School (in short 'School'), a minority institution, seeking a direction to the respondents 2 and 3 to approve the appointment of Tmt.A.Shifana Yasmin in the sanctioned post of B.T.Assistant (Science) with effect from 12.06.2023 with all consequential and other attendant benefits including assessment of salary.

2. The case of the petitioner is that it is a recognized Minority Aided School governed by the provisions of the Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and Rules made thereunder. On account of the vacancy that arose due to the sudden demise of one B.T. Assistant on 23.02.2023, the petitioner has appointed Tmt.A.Shifana Yasmin in the said post and submitted a proposal to the respondents on 27.11.2023 seeking approval of the said appointment, on which no orders have been passed, which made the petitioner filed this writ petition.

3. Relying upon the judgment of the Supreme Court in ***Pramati Educational and Cultural Trust & Others V. Union of India and others ((2014) 8 SCC 1)***, he would submit that the State has no power to interfere with the administration of minority institutions and that the State can make only regulatory measures. Thus, the power under Article 21A of the Constitution of



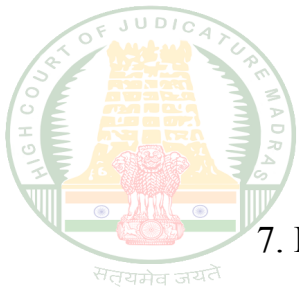
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the India vesting in the State cannot extend to making any law which will abrogate the right of the minorities to establish and administer schools of their choice.

4. He also relies on the judgment of this Court in ***The Secretary to Government V. S.Jayalakshmi and another (2016 (4) CTC 841)***, wherein this Court held that G.O. Ms.No.181, School Educational Department dated 15.11.2011, which makes TET mandatory will not apply to minority institutions.

5. He further 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.

6. Learned Special Government Pleader appearing for the respondents fairly submits that the petitioner has sent a fresh proposal on 19.05.2025, which will be considered by the second respondent in the light of the judgment of the Hon'ble Supreme Court in the case of ***Pramati Educational and Cultural Trust & Others V. Union of India and others ((2014) 8 SCC 1)***.



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7. Recording the aforesaid submission of the learned Special Government

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Pleader appearing for the respondents, this Court directs the petitioner to submit an Affidavit of Undertaking with regard to no objection for deployment to any other school, before the respondents 2 and 3, within a period of two weeks from the date of receipt of a copy of this order. On such submission, the respondents 2 and 3 are directed to consider the proposal of the petitioner dated 19.05.2025 as well as the Affidavit of Undertaking and pass appropriate orders on the same, without insisting on TET qualification, within a period of six weeks, thereafter.

8. With the above directions, this writ petition is disposed of. No costs.

11.09.2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation : Yes/No

vsi2

To

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



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A.D. JAGADISH CHANDIRA, J.

vsi2

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