



WEB COPY



W.P.No.41251 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.41251 of 2025

N.Fayaz Ahmed

... Petitioner

-Vs-

1. The Director of School Education,
College Road, Chennai-600 006.

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

3. The District Educational Officer,
Thirupattur District,
Thirupattur.

4. The Correspondent,
Anaikar Oriental (Arabic) Higher Secondary School,
MC Road,
Ambur-635 802.

...Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the second respondent in Na.Ka.No.2394/AA2/2025 dated 16.10.2025 and quash the same and consequently direct the second respondent to approve the appointment of the petitioner as B.T.Assistant (Science) in the 4th respondent school, w.e.f 10.06.2024 with all consequential monetary benefits.

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For Petitioner
For R1 to R3

: Mr.S.N.Ravichandran
: Mrs.S.Mythreye Chandru
Special Government Pleader

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ORDER

This Writ Petition has been filed challenging the impugned order issued by the second respondent in Na.Ka.No.2394/AA2/2025 dated 16.10.2025, thereby rejecting the request made by the petitioner seeking approval of his appointment to the post of BT Assistant (Science) in the fourth respondent School, with effect from 10.06.2024.

2. Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondents 1 to 3 and perused the materials available on record.

3. The petitioner is qualified and eligible to hold the post of BT Assistant (Science). The fourth respondent School is an Aided Religious Minority Institution and it is governed by certain provisions of Tamil Nadu Recognized Private Schools (Regulation) Act, 1973 and Rules 1974. It is imparting education in three mediums of instructions (i.e) Urdu, Tamil and English. While being so, the vacancy arose for the post of BT Assistant, Urdu medium on 01.05.2023, due to the retirement of one O.Gulzar Ahmed, on 30.04.2023 in the fourth respondent School. It is a sanctioned post, which is reflected in the

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fixation of staff strength determined by the authorities. The petitioner was selected and appointed as BT Assistant (Science), Urdu medium by the proceedings dated 10.06.2024. Immediately, it was communicated by the third respondent. After her appointment, the fourth respondent submitted a proposal to the second respondent through the third respondent for approval of the petitioner's appointment to the post of BT Assistant (Science). However, the third respondent, by its proceedings dated 19.07.2024, rejected the proposal sent by the fourth respondent seeking approval of the petitioner's appointment, on the basis of G.O.Ms.No.146, School Education Department, dated 28.06.2024. It was challenged before this Court in W.P.No.20499 of 2025. This Court, by an order dated 12.06.2025 allowed the writ petition and remanded the matter back to the second respondent for fresh consideration. However, once again, it was rejected by an order dated 16.10.2025, on the file of the second respondent, on the ground that the petitioner had failed to pass the Teacher Eligibility Test.

4. It is a settled law that the Teacher Eligibility Test is not applicable to the Aided Minority Institutions as held by the Hon'ble Division Bench of this Court reported in **2016 (4) CTC 841**, in the case of ***The Secretary to***



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Government Vs S.Jayalakshmi and another. The same issue has been dealt with by this Court in W.P.No.5680 of 2024 and this Court allowed the writ petition. Aggrieved by the same, the respondents preferred an appeal in W.A.No.1865 of 2025. It was also dismissed with cost of Rs.1 Lakh. Though the respondents preferred Special Leave Petition before the Hon'ble Supreme Court of India, it was also withdrawn.

5. In view of the above, the Teacher Eligibility Test is not applicable to the Aided Minority Institutions and as such, the proposal submitted by the fourth respondent to approve the appointment of the petitioner to the post of BT Assistant (Science) cannot be rejected on the ground that the petitioner failed to complete the Teacher Eligibility Test and the impugned order cannot be sustained and is liable to be quashed.

6. Accordingly, the order passed by the second respondent in Na.Ka.No.2394/AA2/2025 dated 16.10.2025, is hereby quashed. The appointment of the petitioner in the fourth respondent School as BT Assistant (Science) is hereby approved with effect from 10.06.2024. The respondents 1 to 3 are directed to disburse the consequential monetary benefits to the petitioner, within a period of six weeks from the date of receipt of a copy of this order.



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7. In the result, this writ petition stands allowed. No costs.

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Internet: Yes

Index : Yes/No

Neutral Citation: Yes/No

Speaking/Non Speaking order

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G.K.ILANTHIRAIYAN. J.

mn

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- To
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Thirupattur.
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