



W.P.(MD).No.202 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.01.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.202 of 2025

M.Gowri Sankar

... Petitioner

Vs

1. The Director of School Education,
DPI Compound,
College Road, Chennai.

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

3. The District Educational Officer (Elementary),
Tenkasi Education District,
Tenkasi.

4. The Block Educational Officer-II,
Tenkasi,
Tenkasi District.

5. The Correspondent,
Kattu Bava Middle School,
Tenkasi.

... Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pursuant to the impugned rejection order by the third respondent Oo.Mu.No.425/A1/2024 dated 11.11.2024 and quash the same and consequently direct the respondent to approve the petitioner's appointment of BT Assistant (English) at 5th respondent school and give all other service and monetary benefit from 01.11.2022.

For Petitioner : Mr.S.Chellapandian

For Respondent Nos.1 to 4 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by B.T.Assistant (English) teacher appointed to the fifth respondent school, challenging the order passed by the third respondent, wherein, the proposal forwarded by the management for approval of his appointment has been rejected, on the sole ground that the petitioner has not passed the TET examination.

2. According the learned Counsel appearing for the writ petitioner, the fifth respondent school is a stand alone minority institution. He further contends that there are no surplus B.T. Assistant teachers in the academic year, in which he was appointed within the sanctioned strength. He further



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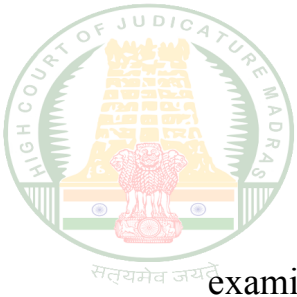
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contends that the said school is a minority school, a pass in TET examination is not mandatory.

3. Per contra, the learned Additional Government Pleader appearing for the respondents 1 to 4 had relied upon the counter and contended that the petitioner has been appointed as Secondary Grade Teacher which has been upgraded as B.T. Assistant. Unless prior permission is obtained by the authorities for upgradation, the appointment of the petitioner cannot be approved. He further contended that a pass in TET examination is mandatory for approving the appointment and hence he prayed for sustaining the order passed in this writ petition.

4. I have carefully considered the submissions made on either side and perused the materials available on record.

5. The Hon'ble Division Bench of our High Court in paragraph No. 74(c) of the judgment reported in **2023 (3) LW 112 (The Director of School Education, D.P.I. Campus, College Road, Chennai -06 and two others Vs. Velayutham and another)** has categorically held that pass in TET



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examination is not mandatory for being appointed as teacher in a Minority Institution.

6. There is no dispute that the fifth respondent institution is a minority school. In such circumstances, the respondents cannot raise the plea of non passing of TET examination as a reason for rejecting the approval. The fifth respondent's school is a stand alone institution. The staff fixation order for the relevant year does not reveal that there are surplus secondary grade teachers. In such circumstances, the upgradation is automatic. Therefore, the question of seeking prior permission from the authorities for upgradation does not arise.

7. In view of the above said deliberations, the order passed by the 3rd respondent is hereby set aside and the respondents are directed to approve the appointment of the writ petitioner from the date of his initial appointment and pass orders within a period of twelve weeks from the date of receipt of a copy of this order.



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8. With the above said observations, this writ petition is allowed. No costs.

30.01.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
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R.VIJAYAKUMAR,J.

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