



W.P.(MD)No.270 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 27.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.270 of 2025

D.Thangaroja

... Petitioner

Vs.

1. The Director of Elementary School Education,
D.P.I.Compound,
College Road,
Chennai.

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

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

4. The Block Educational Office,
Tenkasi District,
Tenkasi.

5. The Correspondent,
TDTA Primary & Middle School,
Vagaikulam,
Tirunelveli District.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 3rd and 4th respondents to approve the appointment of the petitioner as secondary grade teacher in the 5th respondent school from the date of appointment i.e., from 25.03.2019 and disburse all service and monetary benefits forthwith.

For Petitioner	: Mr.S.Chellapandian
For R1 to R4	: Mr.N.Satheesh Kumar Additional Government Pleader
For R5	: No Appearance

ORDER

Mr.N.Satheesh Kumar, learned Additional Government Pleader takes notice on behalf of the respondents 1 to 4.

2. The instant writ petition has been filed by a Secondary Grade Teacher appointed to the 5th respondent school, seeking a mandamus to approve her appointment. It could be seen from the records that the petitioner was appointed as Secondary Grade Teacher in the 5th respondent school on 25.03.2019.

3. According to the learned counsel appearing for the petitioner, the management has sent a proposal to the 4th respondent herein on 10.04.2019 seeking approval. Since no orders were passed, the present writ petition has been filed.



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4. The learned Additional Government Pleader appearing for the respondents relying upon the counter affidavit had contended that a 5th respondent school is administered by a corporate management and there are surplus Secondary Grade Teachers in the recent academic year and therefore, the appointment of the petitioner cannot be approved.

5. The learned Additional Government Pleader appearing for the respondents further contended that the petitioner having not passed a TET (Teacher Eligibility Test) examination, her appointment cannot be approved.

6. I have considered the arguments on either side and perused the materials available on records.

7. As far as plea relating to the pass in TET (Teacher Eligibility Test) examination is concerned, the Hon'ble Division Bench of this Court in the case of **The Director of School Education D.P.I. Campus, College Road, Chennai and Others vs. M.Velayutham and another**, reported in



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2023-3-L.W.112 has categorically held in Paragraph 74(c) that a pass in TET (Teacher Eligibility Test) examination is not mandatory for being appointed as teacher in a minority institution.

8. As far as the plea of corporate surplus is concerned, the petitioner has been appointed on 25.03.2019 as a Secondary Grade Teacher prior to the order of this Court in **W.A(MD) No. 76 of 2019, dated 31.03.2021 (The Secretary to Government, School Education Department and two others vs. Iruthaya Amali and another)**. Therefore, in such circumstances, surplus found in the corporate management cannot be cited as a reason for an appointment that was made prior to **Iruthaya Amali case** referred to supra.

9. A perusal of the records reveals that the management has submitted a proposal on 10.04.2019 and the authorities have not passed orders for the past six years. Therefore, the delay in filing the writ petition cannot be cited as a reason for rejecting the prayer in the writ petition.



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10. Considering the above said facts, the respondents are directed to approve the appointment of the writ petitioner with effect from the date of appointment and pass orders within a period of 12 weeks from the date of receipt of a copy of this order. No costs.

27.01.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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R.VIJAYAKUMAR, J.

rgm

To

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