



W.P.(MD)No.474 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.474 of 2025

and

W.M.P(MD).No.332 of 2025

Sr.A.Sebastiammal

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Additional Secretary,
Department of School Education,
Fort St. George,
Chennai - 9.
2. The Director of School Education,
DPI Campus,
College Road,
Chennai - 6.
3. The District Educational (Primary) Officer,
The Office of the District Educational Officer,
Dindigul District.
4. The Block Educational Officer,
The Office of the Block Educational Officer,
Pudur,
Tuticorin District.
5. The Block Educational Officer,
The Office of the Block Educational Officer,
Dindigul City, Dindigul District.



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6. The Correspondent,
St. Cecilians Middle School,
Dindigul District.

7. The Correspondent,
St. Josephs Primary School,
Manapad,
Tuticorin District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned proceedings dated 27.08.2024 in O.Mu.No. 2063/AA2/2024, on the file of the 3rd respondent and quash the same, in respect of the petitioner, directing the respondents to countersign the relieving order of the petitioner Sr.A.Sebastiammal, working as Headmistress, in St. Joseph's Primary School, Manapad, Tuticorin District.

For Petitioner : Mr.S.Savarimuthu
for M/s.Father Xavier Associates

For R1 to R5 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

Mr.N.Satheesh Kumar, learned Additional Government Pleader
takes notice on behalf of the respondents 1 to 5.



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2. The instant writ petition has been filed by a Secondary Grade Teacher working in the 7th respondent school, challenging the order passed by the 3rd respondent, wherein the request of the management for relieving her from the post of Secondary Grade Teacher to enable her to assume the post of Primary School Headmaster has been rejected.

3. A perusal of the records reveals that the petitioner is working as a Secondary Grade Teacher in the 7th respondent school. The 6th respondent management had promoted the writ petitioner on 10.06.2024 as Headmistress of Primary school and transferred her to St.Joseph's Primary School in the retirement vacancy of Sr.Janet with effect from 13.06.2024.

4. When the management sent a proposal to the 3rd respondent seeking approval of the relieving order, the same has been rejected under the impugned order on the ground that the petitioner having not passed a TET (Teacher Eligibility Test) examination and therefore would not be eligible to be promoted as a Headmistress of the Primary School. Citing the said reason, relieving order has been rejected. Challenging the same, the present writ petition has been filed.



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5. According to the learned counsel appearing for the writ petitioner, the petitioner is working in a minority institution and she has been promoted as a Headmistress and transferred to another school falling under the same corporate management run by the minority institution. Therefore passing of TET (Teacher Eligibility Test) examination is not mandatory and sought to quash the order impugned in the writ petition.

6. Per contra, learned Additional Government Pleader appearing for the respondents 1 to 5 herein had contended that the petitioner having been promoted as a Headmistress of Primary School, unless the petitioner possess required qualification of pass in TET (Teacher Eligibility Test) examination, the relieving order cannot be issued.

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

8. 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 2023-3-L.W.112



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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. There is no dispute that the Petitioner institution is a minority institution. Therefore, it is clear that it is not necessary to have passed the TET (Teacher Eligibility Test) examination for being promoted as Primary School Headmistress.

9. In such circumstances, the 3rd respondent was not right in rejecting the relieving order.

10. In view of the above said facts, the order impugned in the writ petition is set aside and the 3rd respondent is directed to countersign the relieving order of the petitioner within a period of 8 weeks from the date of receipt of a copy of this order. Accordingly, the writ petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

29.01.2025

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



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R.VIJAYAKUMAR, J.

rgm

To

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