

W.P.(MD) No.995 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.995 of 2025

and

W.M.P.(MD)No.622 & 624 of 2025

The Correspondent,
St.John's Girls Higher Secondary School,
Kodaikanal – 624 101.
Dindigul District.

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Secretary,
Department of School Education,
Fort St. George,
Chennai – 600 009.
- 2.The Director of School Education,
College Road,
Chennai – 600 009.
- 3.The Chief Educational Officer,
Dindigul, Dindigul District.



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4.The District Educational Officer (Secondary),
Palani, Dindigul District.

... Respondents

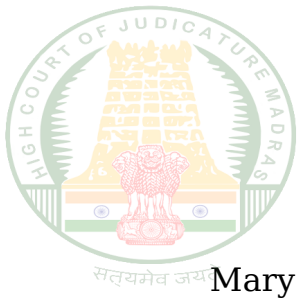
PRAYER: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus, calling for the records relating to the impugned proceedings issued by the third respondent Chief Educational Officer in Moo.Mu.No.6138/Aa1/2024 dated ----.12.2024 (signed as 02.12.2024) and the consequential proceedings of the fourth respondent DEO in Moo.Mu.No. 3979/A2/2023 dated 06.12.2024, quash the same and further direct the third and fourth respondents to approve the appointment of Sr.V.Karophin Mary as BT Assistant (History) in the petitioner school w.e.f. 01.06.2018, with all attendant benefits including the arrears of salary thereon.

For Petitioner : Mr.R.Hari Hara Selvam
for M/s. Isaac Chambers

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The instant Writ Petition has been filed by a management of an aided minority institution challenging the order passed by the third respondent wherein the appointment of one Sr.V.Karophin



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Mary as B.T.Assistant (History) has not been approved by the authorities.

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2. A perusal of the impugned order dated Nil.12.2024 reveals that the proposal forwarded by the management has been rejected on the sole ground that the appointee has not passed Teachers Eligibility Test (TET) examination. Challenging the said order, the present writ petition has been filed.

3. According to the learned Counsel for the writ petitioner, the petitioner management is an aided minority institution and therefore, pass in TET is not mandatory for being appointed as teacher in the said institution.

4. However, the learned Additional Government Pleader appearing for the respondents herein has stated that unless the teacher passes TET examination, the appointment order of the management cannot be approved by the authorities.

5. I have considered the submissions made on either side and perused the material records.



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6. This issue is no longer *res integra*. The Hon'ble Division Bench of our High Court in a judgment reported in **2023-3-LW-112 (The Director of School Education D.P.I. Campus, College Road & others Vs. M.Velayutham & another)** in Paragraph No.74(c) has categorically held that a pass in TET examination is not mandatory for being appointed in the minority institution. Therefore, the order impugned in the writ petition is set aside and the third respondent is directed to approve the appointment of Sr.V.Karophin Mary and pass orders within a period of twelve [12] weeks from the date of receipt of a copy of this order.

7. In fine, this Writ Petition stands allowed to the extent as stated above. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

18.02.2025

NCC : Yes/No

Index: Yes/No

Internet : Yes

MR



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To

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State of Tamil Nadu,
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Chennai – 600 009.
- 2.The Director of School Education,
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- 3.The Chief Educational Officer,
Dindigul, Dindigul District.
- 4.The District Educational Officer (Secondary),
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BATTU DEVANAND, J.

MR

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