



W.P.(MD)No.1202 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.1202 of 2025**

**and**

**W.M.P(MD).No.817 of 2025**

Sr.Alankara Mary

... 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 Officer (Primary)  
The Office of the Chief Educational Officer,  
Tuticorin District.
4. The Block Educational Officer,  
The Office of the Block Educational Officer,  
Tuticorin District.
5. The Correspondent,  
R.C.Primary School,  
Therespuram,  
Tuticorin 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 Certiorarified Mandamus to call for the records pertaining to the impugned proceedings dated 02.01.2025, in Na.Ka.No. 1015/A1/2025, on the file of the 4<sup>th</sup> respondent and quash the same, in respect of the petitioner, directing the respondents to accord approval to the promotion of the petitioner Sr.Alankara Mary, working as Headmistress, in R.C. Primary School, Therespuram, Tuticorin District.

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

For R1 to R4 : Mr.N.Satheesh Kumar  
Additional Government Pleader

### **ORDER**

Heard the learned counsel on either side and perused the materials available on record. Though time was granted for filing counter, no counter has been filed by the respondents.

2. The instant writ petition has been filed by a Secondary Grade Teacher, challenging the order passed by the 4<sup>th</sup> respondent herein, wherein the proposal forwarded by the management to approve the promotion order of the writ petitioner as Primary School Headmaster has been rejected.



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3. A perusal of the impugned order reveals that the 4<sup>th</sup> respondent has rejected the said proposal on the sole ground that the petitioner has not passed TET (Teacher Eligibility Test) examination.

4. 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 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. .

5. In such circumstances, this Court does not find that the reason assigned by the 4<sup>th</sup> respondent for rejecting the proposal of the management is legally sustainable.



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6. In view of the above said facts, the order impugned in the writ petition is set aside and the matter is remitted back to the 4<sup>th</sup> respondent herein. The 4<sup>th</sup> respondent is directed to forward the same to the file of the 3<sup>rd</sup> respondent within a period of 2 weeks from the date of receipt of a copy of this order. The 3<sup>rd</sup> respondent is directed to pass orders approving the promotion order of the writ petitioner within a period of 8 weeks thereafter.

7. With the above observations and directions, the writ petition stands 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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To

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**R.VIJAYAKUMAR, J.**

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