



W.P.(MD).No.2476 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 12.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P(MD)No.2476 of 2025

and

W.M.P(MD) No.1752 of 2025

The Manager & Secretary,
Hindu Middle School,
Mavadi, Nanguneri Taluk,
Tirunelveli District.

... Petitioner

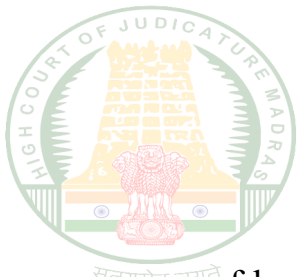
Vs.

1. The District Educational Officer,
(Primary Education),
Valliyoor, Tirunelveli District.

2. The Block Educational Officer – I,
Kalakad, Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the first respondent District Educational Officer in Oo.Mu.No.2846/Aa1/2024 dated 09.11.2024 and the consequential impugned proceedings issued by the second respondent in Oo.Mu.No.842/A1/2024 dated 27.11.2024, quash the same and further direct the respondents herein to approve forthwith the appointment of Mrs.J.Betsy as Head Master in the petitioner's school with effect from the date



W.P.(MD).No.2476 of 2025

of her appointment viz., 01.09.2024, with all attendant benefits including the arrears of salary and allowance.

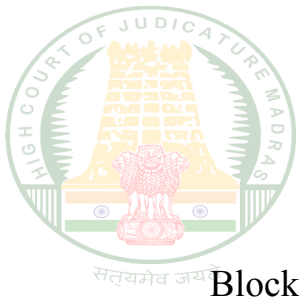
For Petitioner : Mr.T.Cibichakraborty

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

The instant Writ Petition has been filed by the Manager & Secretary of the Hindu Middle School, Mavadi, Tirunelveli District challenging the order passed by the first respondent herein on 09.11.2024 and the consequential impugned proceedings issued by the second respondent dated 27.11.2024 wherein the request of the School Management for approval of appointment of one Mrs.J.Betsy as Headmistress has been rejected on the ground that the said Betsy has not passed TET Examination.

2. A perusal of the records indicates that due to the retirement of the then incumbent namely Mr.C.Mathiazhagan, the post of Head Master fell vacant on 31.08.2024. The petitioner school promoted one J.Betsy, who was a fully qualified candidate. Thereafter, the petitioner school submitted a proposal dated 18.09.2024 to the District Educational Officer through the



W.P.(MD).No.2476 of 2025

WEB COPY

Block Educational Officer-I requesting to approve the appointment of the said Betsy and to disburse grant-in-aid towards her salary. Under the impugned order, dated 09.11.2024 the District Elementary Officer, Tirunelveli District, has rejected the same on the ground that the aforesaid candidate has not passed TET examination and the proceeding of the District Elementary Officer, Tirunelveli District, was communicated vide the impugned proceedings of the Block Education Officer-I, Tirunelveli District, dated 27.11.2024. Challenging the same, the present writ petition has been filed.

3. According to the learned counsel appearing for the writ petitioner, since the petitioner School is a religious Minority Institution, passing of TET Examination is not mandatory, in view of the judgment of the Hon'ble Division Bench of this Court.

4. The learned Government Advocate appearing for the respondents had contended that unless the said candidate namely J.Betsy clears the TET examination, she would not be eligible to be appointed in the petitioner School which is a Minority Institution.



W.P.(MD).No.2476 of 2025

WEB COPY

5. The Hon'ble Division Bench of our High Court in W.A.No.313 of 2022 and batch case, dated 02.06.2023, in para No.71.1 held as follows:

“71.1. A perusal of the orders impugned in the writ petitions leading to these writ appeals would indicate that the fact that the teachers, in respect of whom approval of appointment was sought for by the school, did not possess TET pass eligibility was not a ground for refusal for grant of appointment approval, nor was it an issue raised before the Learned Single Judge at the time of disposal of the writ petitions. Only in the writ appeals, the State Government has raised an additional ground that the teachers whose appointment approval was sought for, did not possess TET. Notwithstanding the same, it is hereby clarified that by virtue of the judgment of the Constitution Bench of the Hon'ble Supreme Court in Pramati Educational and Cultural Trust & Ors. v. Union of India, [(2014) 8 SCC 1], wherein it was held that the RTE Act, 2009 insofar as it applies to minority schools, aided or unaided, covered under Article 30(1) is ultravires the Constitution, meaning thereby that the 2009 Act will not apply to minority schools, the eligibility of TET pass as required for appointment of teachers in non-minority schools, will not apply to minority schools. In other words, the approval of appointment of teachers in minority schools, both aided and unaided, cannot be refused or rejected on the ground that they do not possess a pass in TET. Further this specific issue is also pending consideration before the Supreme Court and the law laid down by the Supreme Court in Pramati Educational and Cultural Trust, cited supra, holds the field as on today. For these reasons, the order of the Learned



WEB COPY



W.P.(MD).No.2476 of 2025

Judge in the writ petitions is affirmed and the above four writ appeals are dismissed.”

6. In view of the judgment of Hon'ble Division Bench, TET is not mandatory for being appointed as a Headmistress in an aided minority institution. Therefore, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the first respondent herein. The first respondent is directed to approve the appointment of one J.Betsy as Headmistress with effect from 01.09.2024 with all attendant benefits. The said exercise shall be completed within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above said observations, this Writ Petition stands allowed to the extent as state above. There shall be no order as to costs. Consequently connected Miscellaneous Petition stands closed.

12.02.2025

NCC : Yes/No
Index : Yes / No
Internet : Yes / No
CM



W.P.(MD).No.2476 of 2025

WEB COPY

1. The District Educational Officer,
(Primary Education),
Valliyoor, Tirunelveli District.
2. The Block Educational Officer – I,
Kalakad, Tirunelveli District.



WEB COPY



W.P.(MD).No.2476 of 2025

BATTU DEVANAND, J.

CM

W.P(MD)No.2476 of 2025
and
W.M.P(MD) No.1752 of 2025

12.02.2025