



W.A.(MD).No.1692 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.01.2025

CORAM

**THE HONOURABLE MR.JUSTICE M.S.RAMESH
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE**

W.A.(MD).No.1692 of 2024
and
C.M.P.(MD).No.13095 of 2024

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

2.The District Educational Officer (Secondary),
Tenkasi,
Tenkasi District.

... Appellants/Respondents 1 & 2

Vs.

1.M.Joyce Jemina,
B.T. Assistant,
C.M.M.L. High School,
Vadamalapuram P.O.-627 755,
Mullikulam Via,
Kadayanallur Taluk,
Tenkasi District.

... 1st Respondent/Petitioner

2.The Manager,
C.M.M.L. High School,
Vadamalapuram P.O.-627 755,
Mullikulam Via,
Kadayanallur Taluk,
Tenkasi District.

... 2nd Respondent/3rd Respondent



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PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 12.10.2023 in W.P.(MD).No.22424 of 2023 on the file of this Court.

For Appellants : Mr.J.Ashok
Additional Government Pleader
For R-1 : Mr.T.Pon Ramkumar

JUDGMENT

(Judgment of the Court was made by M.S.RAMESH,J.)

This Writ Appeal has been filed against the order of the learned Single Judge in W.P.(MD).No.22424 of 2023 dated 12.10.2023.

2. Having granted approval of the appointment made by the second respondent school, the proceedings of the appellants herein, refusing to release the annual increment on the ground that the concerned teacher is not qualified in TET, was challenged before the Writ Court. The learned Single Judge had placed reliance on the earlier decisions of this Court and held that qualification in TET is not mandatory for a minority institution and accordingly, directed the appellants to confer all the monetary benefits to the first respondent herein, through the order passed in W.P.(MD)No.22424 of 2023 dated 12.10.2023.



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3. The Hon'ble Supreme Court as well as several decisions of the Co-ordinate Benches of this Court have been consistently taking a stand that possession of TET qualification for a teacher in a minority institution is not mandatory. The appellants herein, having granted approval of the appointment, are not justified in insisting for TET qualification for the concerned teacher and therefore, the consequential action of withholding the financial grant cannot be justifiable. The earlier decisions taken by this Court in this regard have been relied upon by the learned Single Judge while allowing the Writ Petition. We do not find any illegality or infirmity in the said order. As such, there are no merits in this Writ Appeal.

4. Accordingly, this Writ Appeal stands dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

(M.S.R.,J.) (A.D.M.C.,J.)
30.01.2025

NCC : Yes / No
Index : Yes / No
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