

W.P.(MD)No.4917 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.02.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.4917 of 2025

and

W.M.P(MD)No.3574 of 2025

Hema Roselin

... 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 Elementary School Education,
College Road, Chennai 600 006.
- 3.The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
- 4.The District Educational Officer,
District Educational Office,
Vallioor, Tirunelveli District.
- 5.The Block Educational Officer,
Kalakad, Tirunelveli District.
- 6.The Correspondent,
TDTA Primary and Middle School,
Idaiyankulam, Tirunelveli.

... Respondents



W.P.(MD)No.4917 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the fourth respondent in Oo.Mu.No. 70/AA1/2023, dated 09.10.2024 and quash the same and consequently directing the respondents 1 to 4 herein to approve the appointment of the petitioner as B.T.Assistant (Science) in the sixth respondent School with effect from 04.06.2019 with all other attendant benefits and to settle the arrears of salary and other monetary benefits to the petitioner within a reasonable time as may be fixed by this Court.

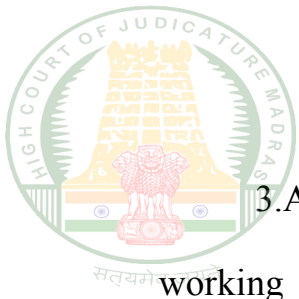
For Petitioner : Mr.K.Navaneetharaja

For R1 to R5 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The instant writ petition has been filed challenging the order passed by the fourth respondent wherein the appointment of the petitioner as B.T.Assistant (Science) has not been approved by the authorities.

2. A perusal of the impugned order dated 09.10.2024 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 is working in 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 1 to 5 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.

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 post 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 fourth respondent is directed to approve the appointment of the writ petitioner and pass orders within a period of 12 weeks from the date of receipt of a copy of this order.



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7. In fine, this writ petition stands allowed to the extent as stated above.

No costs. Consequently, connected miscellaneous petition is closed.

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21.02.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
Sn

To:

- 1.The Secretary,
Department of School Education,
Fort St.George,
Chennai 600 009.
- 2.The Director of Elementary School Education,
College Road, Chennai 600 006.
- 3.The Chief Educational Officer,
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Tirunelveli.
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BATTU DEVANAND, J.

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