

W.P.(MD).No.4684 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 20.02.2025

CORAM:

THE HON'BLE MR JUSTICE BATTU DEVANAND

W.P.(MD)No.4684 of 2025
and WMP(MD)No.3369 of 2025

V.Athisaya Remi Bai

.... Petitioner

Vs.

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

2.The District Educational Officer (Secondary),
Tirunelveli, Tirunelveli District
Previously placed at Cheranmahadevi

3.The Correspondent,
St.Aloysius Higher Secondary School,
T.Kallikulam,
Tirunelveli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the second respondent herein in Na.Ka.No.6040/Aa2/2015 dated 20.02.2017 and Oo.Mu.No.1030/Aa1/2023 dated 19.03.2024, quash the same and further direct the respondents 1 and 2 to disburse the yearly Increments and all other attendant monetary benefits to the petitioner w.e.f date of appointment i.e 17.08.2011.

For Petitioner

: Mr.A.Ajith Geethan

For R1 & R2

: Mr.T.Amjadkhan
Government Advocate



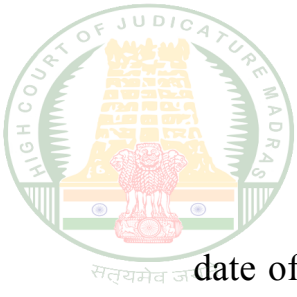
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ORDER

The instant writ petition has been filed by a B.T.Assistant working in the third respondent School challenging the order passed by the second respondent in Na.Ka.No.6040/Aa2/2015 dated 20.02.2017 and Oo.Mu.No.1030/Aa1/2023 dated 19.03.2024.

2.The sanctioning authorities have rejected the proposal submitted by the management for approving the appointment of the writ petitioner on the sole ground that the petitioner has not passed Teachers Eligibility Test (TET) Examination. The petitioner has filed WP(MD).No. 22377 of 2015 before this Court challenging the said order. This Court was pleased to grant interim direction on 14.12.2015 wherein a direction was issued to the authorities to grant temporary approval and to pay salary from the date of appointment. Aggrieved by the same, the respondent preferred WA(MD)No.404 of 2016 and the same was dismissed on 21.03.2016. Thereafter, WP(MD)No.22377 of 2015 was disposed vide order dated 14.07.2016 directing the authorities to grant salary alone. Thereafter, the petitioner's appointment was temporarily approved from the



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date of appointment with condition that the salary alone can be disbursed without other attendant monetary benefits by the second respondent vide impugned proceedings dated 20.02.2017. The second respondent therefore returned the proposal vide proceedings in Oo.Mu.No.1030/Aa4/2023 dated 19.03.2024 stating that since the petitioner has not passed Teacher Eligibility Test (TET) Exam, yearly increments and attendant monetary benefits cannot be disbursed. The said orders are under challenge in the present writ petition.

3. According to the learned counsel for the writ petitioner, the third respondent School is a minority institution and therefore, a pass in TET is not mandatory for being appointed to the said institution.

4.Per contra, the learned Government Advocate herein had contended that the petitioner having not passed TET examination, cannot be approved for her appointment.

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



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6.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.

7. Accordingly, the orders impugned in the writ petition are set aside. The respondents are directed to approve the appointment of the writ petitioner with effect from the date of initial appointment with all attendant benefits and pass orders within a period of 12 weeks from the date of receipt of a copy of this order.

8.In fine, this writ petition stands allowed to the extent as stated above. No costs. Consequently, connected miscellaneous petition is closed.

20.02.2025

Index : Yes/No
Internet : Yes/No
NCC: : Yes/No
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To

- 1.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 2.The District Educational Officer (Secondary),
Tirunelveli, Tirunelveli District



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BATTU DEVANAND, J.

CM

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20.02.2025