

W.P.(MD)No.5192 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.02.2025

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CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.5192 of 2025

J.Suriyothaya

... Petitioner

Vs.

1.The Director of Elementary School Education,
D.P.I Compound,
College Road,
Chennai.

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

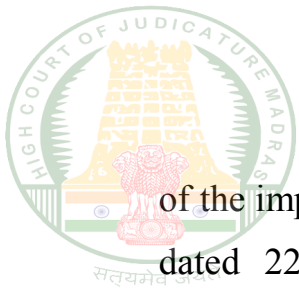
3.The District Educational Officer (Elementary),
Tenkasi District,
Tenkasi.

4.The Block Educational Office,
Vasudevanallur Range,
Tenkasi,
Tenkasi District.

5.The Correspondent,
TDTA Primary School,
Devipattanam,
Sivagiri,
Tenkasi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records in respect



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of the impugned order passed by the third respondent in Na.Ka.No.125/A12025, dated 22.01.2025 and quash the same and consequently direct the third respondent to approve the appointment of the petitioner and disburse all the service and monetary benefits from the date of the appointment (I.e., 02.07.2019).

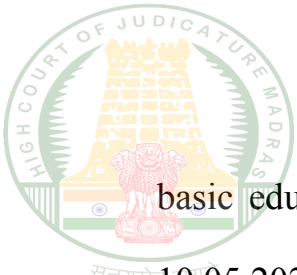
For Petitioner : Mr.S.Chella Pandian

For R1 to R4 : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The instant writ petition has been filed challenging the order passed by the third respondent wherein the appointment of the petitioner has not been approved by the authorities.

2. The petitioner is working as Secondary Grade Teacher in the fifth respondent School. It is an aided minority institution. The School Management sent proposal to the respondent authorities to grant approval for the appointment of the petitioner as Secondary Grade Teacher. By the impugned order in Na.Ka.No.125/A12025, dated 22.01.2025, the said proposal was rejected by the third respondent on the ground that the petitioner did not possess the qualification of TET. In the impugned order, it is stated that as per G.O.Ms.No.181, dated 15.11.2011, passing the TET examination along with



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basic educational qualification is mandatory for appointment of Teacher after

10.05.2024. Aggrieved by the same, the present writ petition is filed.

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3. According to the learned counsel for the 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 4 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



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respondent is directed to approve the appointment of the writ petitioner and pass orders within a period of 4 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.

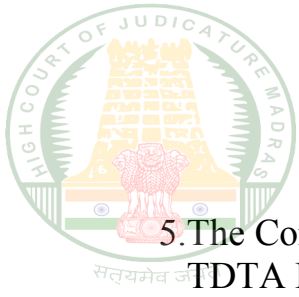
No costs.

27.02.2025

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

To:

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Tirunelveli.
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- 4.The Block Educational Office,
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5. The Correspondent,
TDTA Primary School,
Devipattanam,
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BATTU DEVANAND, J.

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