



W.P.(MD)No.5253 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 27.02.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.5253 of 2025

and

W.M.P(MD)No.3853 of 2025

Sr.Mary Flora,
Presentation Convent Girls Higher Secondary School,
Theni District – 325 531.

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep. By its Additional Chief Secretary,
Department of School Education,
Fort St.George, Chennai – 9.
- 2.The Director of School Education,
DPI Campus,
College Road, Chennai - 6.
- 3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
Theni District.
- 4.The District Educational Officer (Secondary),
The Office of the District Educational Officer,
Theni District.
- 5.The Correspondent,
Presentation Convent Girls Higher Secondary School,
Theni District – 625 531.

... Respondents



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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 proceedings, dated 14.08.2024 in Oo.Mu.No.1413/A1/2024 on the file of the fourth respondent and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Sr.Mary Flora, working as B.T.Assistant (English) in Presentation Convent Girls Higher Secondary School, Theni District, with effect from 03.06.2019, with all service benefits.

For Petitioner : Mr.V.John Kennedy

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

ORDER

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

2. A perusal of the impugned order dated 11.09.2024 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.



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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 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 third respondent is directed to approve the appointment of the writ petitioner and pass



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orders within a period of 12 weeks from the date of receipt of a copy of this

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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.

27.02.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

Sn

To:

- 1.The Additional Chief Secretary,
Department of School Education,
Fort St.George, Chennai – 9.
- 2.The Director of School Education,
DPI Campus,
College Road, Chennai - 6.
- 3.The Chief Educational Officer,
The Office of the Chief Educational Officer,
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The Office of the District Educational Officer,
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BATTU DEVANAND, J.

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