

W.P.(MD)No.8875 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.04.2025

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.8875 of 2025

and

W.M.P(MD)No.6660 and 6665 of 2025

The Correspondent and Headmistress,
Sacred Heart Hr.Sec.School,
Michaelpatti – 613 104,
Thanjavur District.

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George, Chennai 600 009

2.The Director of School Education,
College Road, Chennai 600 006

3.The Chief Educational Officer,
The Office of the CEO,
Panagul Building,
Thanjavur District 613001

4.The District Educational Officer,
The Office of the DEO,
Childrens Park Campus,
Thanjavur District 613 001.

... 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 issued by the third respondent Chief Educational Officer in Na.Ka.No. 2534/A1/2024 dated 00.11.2024 (submitted to court on 05.11.2024), Quash the same and further direct the respondents 3 and 4 to approve forthwith the appointment of Tmt.J.Mary Steward Lydia as B.T.Assistant (Social Science) in the petitioner school, w.e.f.01.06.2019 and disburse grant-in-aid towards her salary and other attendant benefits.

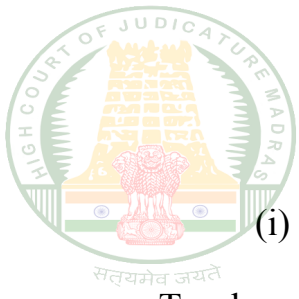
For Petitioner : M/s.Amala Irudhaya Mary

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

Against the order, dated 04.11.2024 of the third respondent, wherein, the proposal sent by the petitioner school to approve the appointment of J.Mary Steward Lydia as B.T.Assistant (Social Science) with effect from 01.06.2019 was rejected, the present writ petition has been filed.

2. The learned counsel for the petitioner submits that the third respondent passed the impugned order by rejecting the proposal of the petitioner under two grounds as herein under:



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(i) Prior permission is not granted for upgradation of Secondary Grade Teacher post as B.T.Assistant.

(ii) The teacher of the petitioner school, namely J.Mary Steward Lydia did not possess TET qualification.

3. During the course of hearing, the learned counsel for the petitioner draw attention of this Court to the Judgment of the Division Bench of this Court in W.A.(MD)No.1365 of 2025 and would submit that the question of prior approval of upgradation is no longer *res integra*. This Court in *Government of Tamil Nadu, Rep. by its Secretary to Government, Department of School Education, Madras and others vs. J.Remila and others* reported in **2018 (1) Writ Law Reporter 410**, has held that a minority institution does not require prior approval for upgradation of a post. The said view was affirmed by the another Division Bench of this Court in a recent judgment dated 29.02.2024 rendered in W.A.(MD)Nos.1093 of 2023 and 630 of 2024 [*The Government of Tamil Nadu, Rep. by its Secretary, Education Department, Chennai and others vs. Immaculate Arputha Mary Usha and others*].

4. With regard to the second ground, the learned counsel for the petitioner submits that as per the judgment of the Division Bench of this Court reported in



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2023-3-LW-112 (The Director of School Education D.P.I. Campus, College

Road & others Vs. M.Velayutham & another) for appointment of Teacher in minority aided school, TET is not mandatory.

5. The learned Government Advocate for the respondents submits that in the light of settled law that TET qualification for appointment of the Teacher in any minority aided institution is not mandatory. But the contention of the petitioner is not reasonable in view of the fact that if the minority institution does not require to get prior approval for upgradation of a post from the respondents, the petitioner has to answer why they sought permission for prior approval of a upgraded post.

6. Heard the submissions made by the respective learned counsels and carefully examined the materials available on record.

7. In view of the fact that co-ordinate Division Benches of this Court held that the minority institution does not require prior approval for upgradation of a post and in the light of a judgment of the Division Bench of this Court, wherein, it is held that pass in TET examination is not mandatory for being appointed in the minority institution, in my considered opinion, the third respondent shall



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approve the appointment of J.Mary Steward Lydia as B.T.Assistant (Social Science) in the petitioner school.

8. Accordingly, this writ petition is allowed with the following directions:

(i) The impugned order passed by the third respondent, dated 04.11.204 is hereby quashed.

(ii) The third respondent is directed to approve the appointment of J.Mary Steward Lydia as B.T.Assistant (Social Science) in the petitioner school with effect from her appointment within a period of two weeks from the date of receipt of a copy of this order.

(iii) On granting approval, the respondents shall disburse grant in aid towards the salary of the said Teacher and other attendant benefits within a period of four weeks thereafter.

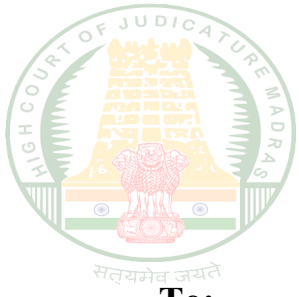
No costs.

Consequently, the connected miscellaneous petitions are closed.

02.04.2025

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

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To:
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BATTU DEVANAND, J.

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