



W.P.(MD)No.9059 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.04.2025

CORAM

THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.9059 of 2025
and WMP(MD)No.6754 of 2025

The Correspondent & 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 - 600009.

2. The Director of School Education,
College Road,
Chennai - 600009.

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 – 613001.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 3rd and 4th respondent herein to approve forthwith the appointment of Sr.A.Velankanni as B.T Asst(Maths) W.e.f. 13.06.2024 in the petitioner school without insisting TET, with all attendant benefits including the arrears of salary and allowance.

For Petitioner : M/s.Amala Irudhaya Mary

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

This writ petition is filed seeking a direction to the respondents 3 and 4 to approve forthwith the appointment of Sr.A.Velankanni as B.T Assistant (Maths)with effect from 13.06.2024 in the petitioner school without insisting TET, with all attendant benefits including the arrears of salary and allowance.

2. Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents and perused the materials available on record.

3. The case of the petitioner is that the petitioner is a recognized minority educational institution. In their school, single post of B.T Assistant(Maths) fell vacant due to transfer of one A.Kuzhandhai Therese on 12.06.2024. In that



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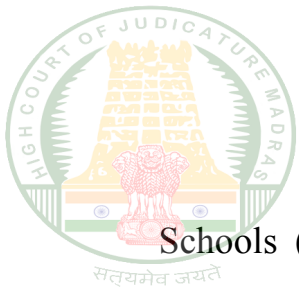
vacancy, a fully qualified candidate namely, Velankanni was appointed as

WEB B.T. Assistant (Maths) by the petitioner school management on 13.06.2024.

Thereafter, the petitioner school sent a proposal for approval of the appointment of the said Teacher through proper channel on 27.08.2024. The said proposal was returned on 13.09.2024 by the fourth respondent for want of TET and with some additional queries.

4. The petitioner re-submitted the proposal along with the relevant documents on 22.10.2024. Again on 30.10.2024, the fourth respondent returned the same for want of TET qualification and equivalent certificate as the incumbent did her B.Ed., degree at Pondicherry University. On 22.02.2025, attaching the equivalent certificate of the incumbent as well as no surplus certificate, the petitioner re-submitted the proposal. Even thereafter, there is no response from the respondents. Aggrieved by the same, this writ petition is filed.

5. The learned counsel for the petitioner submits that while re-submitting the proposal, the petitioner clearly stated that non-applicability of TET qualification as well as Rule 15(4) of the Tamil Nadu Recognized Private



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Schools (Regulation) Rules, 1974, as the petitioner school being a minority institution. The petitioner also clarified the queries raised by the fourth respondent while re-submitting the same. But without granting approval, it is kept pending with the respondent since 22.10.2024.

6. The learned Additional Government Pleader submits that the proposal re-submitted by the petitioner on 22.02.2025 will be considered by the respondents in due course in accordance with law.

7. Considering the facts and circumstances of the case, it is an admitted fact that the fourth respondent returned the proposal of the petitioner twice raising certain queries, the petitioner re-submitted the proposal on 22.02.2025 attaching the equivalent certificate and no surplus certificate. Admittedly, the petitioner school is a minority school, TET qualification is not mandatory. In such circumstances, the third respondent has to consider the proposal re-submitted by the petitioner on 22.02.2025 in accordance with law and pass orders as expeditiously as possible.

8. In view of the same, now it is the duty of the fourth respondent to



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forward the proposal to the third respondent for passing appropriate orders to accord approval of the appointment of the said Teacher and to disburse the aid by following due process of law.

9. Accordingly, this writ petition is disposed of with the following directions:

i) The fourth respondent shall forward the proposal re-submitted by the petitioner on 22.02.2025 within a week from the date of receipt of a copy of this order.

ii) On receipt of the proposal of the petitioner through the fourth respondent, then, the third respondent shall consider the said proposal in accordance with law and pass appropriate orders within a period of two weeks thereafter to grant approval of the appointment of the said Teacher and disburse grant-in-aid towards salary and other allowances.

There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

02.04.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
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To:

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BATTU DEVANAND, J.

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