



W.A.(MD)No.2348 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.08.2025

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

AND

THE HONOURABLE **MR.JUSTICE G.ARUL MURUGAN**

W.A.(MD)No.2348 of 2025

and

C.M.P.(MD)No.13254 of 2025

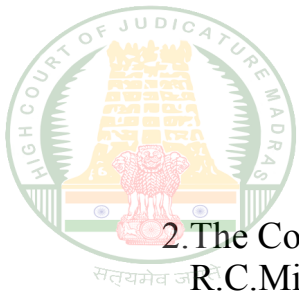
- 1.The Govt. of Tamil Nadu,
Rep. by its Additional Chief Secretary,
Department of School Education,
Fort St.George, Chennai-9.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai-6.
- 3.The District Elementary Educational Officer,
The Office of the Chief Educational Officer,
Tenkasi.
- 4.The Block Educational Officer,
The Office of the Block Educational Officer,
Kuruvikulam, Tenkasi District.

... Appellants

-Vs-

- 1.Sr.A.Roslin Mary

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2.The Correspondent,
R.C.Middle Sechool,
Chidambarapuram, Kuruvikulam (via),
Tenkasi District-627 754.

... Respondents

PRAYER: Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 16.12.2024 made in W.P.(MD)No.28758 of 2024 on the file of this Court.

For Appellants : Mr.J.Ashok,
Additional Government Pleader
For R1 : Mr.S.Savarimuthu,
for M/s.Father Xavier Associates

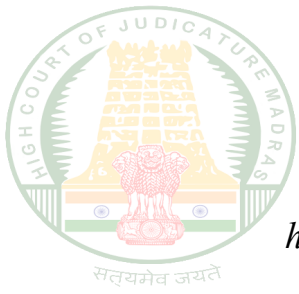
JUDGMENT

[Judgment of the Court was delivered by ***S.M.SUBRAMANIAM, J.***]

This Writ Appeal has been instituted, challenging the order of the Writ Court 16.12.2024 made in W.P.(MD)No.28758 of 2024.

2.The issue raised in this Writ Appeal has already been decided by this Court vide order dated 12.08.2025 made in W.A.(MD)No.1802 of 2025, which is extracted hereunder:-

“These intra court appeals have been instituted by the State, challenging the order passed by the learned Single Judges,



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holding that Teachers Eligibility Test is not mandatory for grant of approval of appointment in respect of the Minority Schools.

2.The issue relating to the Teachers Eligibility Test as a mandatory qualification for the teachers appointed by the Minority Institutions has been time and again adjudicated in various proceedings. However, the Division Bench of this Court vide Judgment dated 20.11.2023 in W.A.(MD) No.320 of 2023 considered the decisions of the Hon'ble Supreme Court of India and the scope of the provisions of the Right of Children to Free and Compulsory Education Act, 2009, in the context of prescription of educational qualification for appointment to the teaching post. It was reiterated that there cannot be any disparity in educational qualification amongst the teachers appointed in the Government Schools, Aided Schools and Minority Schools. In the event of any disparity, it will result in affecting the teaching capacity of the teachers. The very reason for introducing the Teachers Eligibility Test is to ensure and ascertain the capacity of the teachers to impart education to the children in the schools. Paragraph No.32 of the said decision reads as under:

“32.Right to administer by the minority would not exempt the power of the State from regulating the educational qualifications, salary and other service conditions for the teaching and non-teaching staff in order to maintain uniform standards in the matter of education. In this context, Section 3 of the Act provides power of the Government to regulate the school



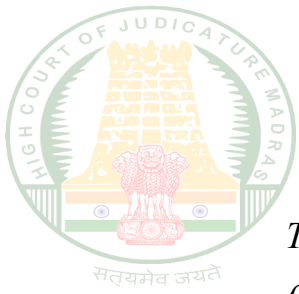
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education. Accordingly, the Government may regulate different stage of education and courses of instruction in private schools. In T.M.A.Pai Foundation's case the Eleven Judges Bench held that regulations can be framed governing the service conditions for teaching and other staff, for whom aid is provided by the State without interfering over all administrative control of management. When the Eleven Judges bench has been distinguished the power of State to enact Act and Rules governing service conditions for teaching and other staff, including qualifications, there is no impediment for the State to prescribe Teachers Eligibility Test as a requisite qualification for appointment to teaching posts, de hors the provisions of the Right of Children to Free and Compulsory Education Act.”

3.The learned Additional Government Pleader appearing for the appellants brought to the notice of this Court that the Tamil Nadu Private Schools (Regulation) Act, 2018, contemplates minimum educational qualification for the teaching staff of the private schools. Accordingly, Teachers Eligibility Test is prescribed as a mandatory qualification for recruitment to the teaching post in the Aided Schools, Minority Institutions and Government Schools. However, learned Additional Government Pleader submitted that in respect of the teachers appointed long back, their cases will be considered by the Government. After the notification of the Tamil Nadu Private Schools (Regulation) Rules,



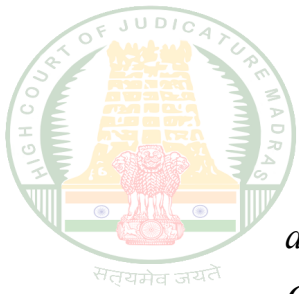
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Teachers Eligibility Test became mandatory and it is being followed scrupulously in order to maintain uniform standard in the matter of appointment to the teaching post in Aided Schools, Minority Institutions and Government Schools.

4. With reference to the above submission, learned Additional Government Pleader produced a copy of the letter issued by the Principal Secretary to Government, School Education Department, dated 16.04.2025. Paragraph No.10 of the said letter reads as under:

“10. Hence, I am to request your good selves to bring the above facts for the notice of the Hon'ble High Court as and when similar matters come up for admission/hearing and it would be appropriate to submit that only if the proposal for approval of appointment with respect to the individual/TET not passed teacher of aided minority school was pending consideration before the authorities concerned prior to 13.01.2023, the said proposal will be considered subject to the final orders to be passed in the above matter by the Hon'ble Supreme Court.”

5. In view of the above submission of the learned Additional Government Pleader, the individual cases are to be considered based on its own facts with reference to the rules and decision taken by the Government. Therefore, no further adjudication needs to be undertaken in the present writ appeals



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and the same are, accordingly, disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

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3.In view of the above decision, this Writ Appeal is also disposed of.

No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S, J.] & [G.A.M., J.]
14.08.2025

NCC : Yes / No

Index : Yes / No

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