



W.P.(MD)No.15588 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2025

CORAM

THE HON'BLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.15588 of 2021

S.Senthilkumar

: Petitioners

Vs.

1.The Chairperson,
National Council for Teacher Education,
Hans Bhawan, Wing II,
New Delhi – 110 002.

2.The Secretary to Government,
School Education Departments,
Government of Tamil Nadu,
Fort George, Chennai – 9.

3.The Director,
Directorate of School Education,
DPI Compound, College Road,
Chennai.



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4.The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Compound, College Road,
Chennai – 6.

5.The Regional Director,
South Regional Committee (NCTE),
Jnana Bharathi Campus Road,
Nagarbahvi,
Opp. National Law School,
Bangalore – 560 072.

6.The Chief Educational Officer,
Theni,
Theni District.

7.The District Education Officer,
Periyakulam, Theni District, Theni.

8.The Secretary,
Sri Varadha Venkataraman Higher Secondary School,
Venkatachalapuram, Theni District.

9.The Head Master,
Sri Varadha Venkataraman Higher Secondary School,
Venkatachalapuram, Theni District.

10.Kavitha : Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Quo-warranto, under what authority the 10th respondent is holding the present post as the Zoology teacher by 8, 9 respondents schools situated at Sri Varadha Venkataraman Higher Secondary School, Venkatachalapuram, Theni District as it is illegal and unconstitutional to continue as Zoology teacher on the grave criminal misconduct committed by the 10th respondents, which has well established and exposed by the above facts, further corroborated on the finding concluded by the National Council for Teacher Test (NCTE) Notifications dated 28.03.2010, hence remove from the post he holds.

For Petitioner : Mr.G.Kannan

For Respondents 2,3,6&7 : Mr.S.Shaji Bino,
Special Government Pleader

For Respondent No.4 : Mr.T.Amjad Khan,
Standing Counsel

For Respondents 8 to 10 : Mr.G.Karthik
for M/s.Roy & Roy Associates



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ORDER

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This Writ Petition has been filed for a Writ of Quo-Warranto questioning the authority of the 10th respondent to hold the post of Zoology Teacher in the 8th respondent school on the ground that she has not passed the Teachers Eligibility Test [TET] examination.

2. According to the petitioner, the said appointment is illegal and unconstitutional since the 10th respondent has committed a grave misconduct. According to the petitioner, the 10th respondent has also not made use of the extension granted to her to pass the TET examination within the stipulated time of 5 years.

3. Learned Special Government Pleader appearing for the official respondents would submit as follows:

a) The Writ Petition is not maintainable, since the 8th respondent school is not a public authority and the 10th respondent being a Teacher in the 8th respondent school, a Writ of Quo-Warranto is not maintainable.

b) The 10th respondent was appointed in the 8th respondent school prior to the issuance of G.O.(Ms)No.181, School Education (C2) Department dated 15.11.2011 and therefore, the TET will not apply to the 10th respondent.



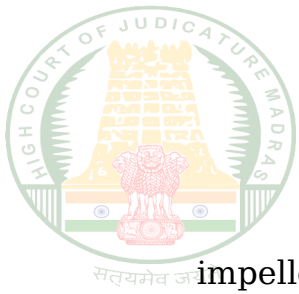
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4.Learned Special Government Pleader appearing for the respondents also drew the attention of this Court to the judgment of the Hon'ble Supreme Court in the case of ***Dr.M.S.Mudhol and another Vs. Shri S.D.Halegkar and others reported in [1993] SUPP. 1 S.C.R. 115***, in support of his contention that both on the ground of laches as well as on the ground that the Writ Petition is not maintainable, since the 8th respondent school is not a public authority, this Writ Petition has to be dismissed as not maintainable.

5.On the last hearing date, ie., on 15.09.2025, learned Counsel for the petitioner sought time to produce authorities to substantiate the petitioner's contentions that a Writ of Quo-Warranto is maintainable as against the 10th respondent. However, today, learned Counsel for the petitioner would submit that he is unable to find direct authorities on the said point.

6.In the decision relied upon by the learned Special Government Pleader appearing for the respondents as referred to supra, there is an observation made by the Hon'ble Supreme Court that the post of the Principal in a private school though aided, is not of such sensitive public importance that the Court should find itself



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impelled to interfere with the appointment by a Writ of Quo-Warranto even assuming that such a Writ is maintainable. However, the Hon'ble Supreme Court deemed it fit that it was unnecessary for it to go into the said question as in the said matter, the Hon'ble Supreme Court has rejected the request of the petitioner for issuance of a Writ of Quo-Warranto on the ground of laches, since the petitioner therein had approached the Court with nine years delay.

7.In the instant case as well, the 10th respondent is a Zoology Teacher in a private aided school namely the 8th respondent. In the instant case as well, there has been an inordinate delay on the part of the petitioner to approach this Court, though learned Counsel for the petitioner would submit that there has been only a delay of two years in filing this Writ Petition on the ground that 9 years extension of time was granted for the 10th respondent to complete her TET qualification and within a period of two years thereafter, the petitioner having filed this Writ Petition, there is no laches on the part of the petitioner in filing this Writ Petition. However, it has to be noted that originally five years extension was only granted for persons who did not possess the TET qualification to enable them to pass the TET examination. Only thereafter, a further



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extension of 4 years was granted which ended on 31.03.2019. The petitioner knowing fully well that the 10th respondent was not possessing the TET qualification ought to have approached this Court at the earliest point of time. Having waited for almost 11 years from the date when TET became mandatory on 27.09.2011, this Court is of the considered view that as held in the decision rendered by the Hon'ble Supreme Court referred to supra, on the ground of laches, this Writ Petition has to be dismissed.

8.This Court is not deciding the legal issue as to whether a Writ of Quo-Warranto is maintainable as against the 10th respondent, who is working in a private aided school, namely the 8th respondent. In the decision relied upon by the learned Special Government Pleader appearing for the official respondents as well, the Hon'ble Supreme Court did not go into the said legal issue, but however, made an observation that the post of Principal in a private school though aided, is not of such sensitive public importance that the Court should find itself impelled to interfere with the appointment by issuing a Writ of Quo-Warranto, even assuming that such a Writ is maintainable.



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9.For the foregoing reasons, on the ground of laches, this Writ Petition is not maintainable. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs.

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Index :Yes / No

Internet : Yes / No

NCC : Yes/No

MR



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ABDUL QUDDHOSE., J.

MR

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