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W.A.(MD)NO.762 OF 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.762 of 2014

1. The Secretary to Government,
School Education Department,
Fort St.George, Chennai.
 2. The Director of Elementary Education,
College Road,
DPI Campus, Chennai.
 3. The District Elementary Education Officer,
Tirunelveli.
 4. The Additional Assistant Elementary Educational Officer,
Tenkasi, Tirunelveli District. ... Appellants / Respondents 2 to 5
- Vs.

1. Lakshmi Primary School,
Pattupathu, Ayirapari(P.O)-627 814,
Tenkasi Taluk,
Tirunelveli District,
Rep. by its Secretary. ... 1st Respondent / Writ petitioner
2. The National Council for Technical Education,
Hans Bhawan, Wing II,
1, Behedur Shah Zafar Marg, New Delhi – 110 002,
Rep. by its Member Secretary. ... 2nd Respondent / 1st Respondent



Prayer: Writ appeal filed under Clause 15 of the Letters Patent, to set aside the order dated 26.06.2013 in W.P.(MD)No.8581 of 2013.

For Appellants : Mr.C.Venkatesh Kumar,
Special Government Pleader.
For R-1 : Mr.T.Pon Ram Kumar
For R-2 : Mr.R.Gowri Shankar,
Central Government Standing counsel.

* * *

J U D G M E N T

Heard both sides.

2. The writ petitioner is a non-minority educational institution.

It appointed one S.Saravanan as Secondary Grade Teacher on 01.06.2012. Admittedly, he is not having TET qualification. It is true that pursuant to the order made in the writ petition, his appointment was approved.

3. The Hon'ble Division Bench in ***W.A.No.313 of 2022 etc. batch vide order dated 02.06.2023 (The Director of School Education, Chennai Vs. M.Velayutham)*** had held as follows:-

“ 74. For the sake of clarity and ease of reference, the upshot of the above discussion is as under:

(a) Any teacher appointed as Secondary Grade Teacher or Graduate Teacher/BT Assistant



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prior to 29.07.2011 shall continue in service and also receive increments and incentives, even if they do not possess/acquire a pass in TET. At the same time, for future promotional prospects like promotion from secondary grade teacher to B.T. Assistant as well as for promotion to Headmasters, etc., irrespective of their dates of original appointment, they must necessarily possess TET, failing which they will not be eligible for promotion.

(b) Any appointment made to the post of Secondary Grade Teacher after 29.07.2011 must necessarily possess TET.

(c) Any appointment made to Graduate Teacher/BT Assistant, after 29.07.2011, whether by direct recruitment or promotion from the post of Secondary Grade Teacher, or transfer, must necessarily possess TET. ***The principles laid down in this judgment will not have application to minority schools, both aided and unaided as explained in paragraph no.71.1.**

(d) The Special Rules for the Tamil Nadu School Educational Subordinate Service issued in GO (Ms.) No.13 School Education (S.E3(1)) Department dated 30.01.2020 insofar as it prescribes “a pass in Teacher Eligibility Test



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(TET)” only for direct recruitment for the post of BT Assistant and not for promotion thereto in Annexure-I (referred to in Rule 6) is struck down, thereby meaning that TET is mandatory/essential eligibility criterion for appointment to the post of BT Assistant even by promotion from Secondary Grade Teachers.

(e) The language employed in G.O. (Ms) No. 181 dated 15.11.2011 is to be read and understood to the effect that for continuance in service without promotional prospects, TET is not mandatory.”

The Hon'ble Division Bench has prescribed 29.07.2011 as cut-off date. The appointment in this case was after the cut-off date.

4. The case of the appointee will have to be decided only in the light of the aforesaid Division Bench decision. In this view of the matter, the order of the learned single Judge is set aside. This writ appeal stands allowed. No costs.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
18th August 2025

NCC : Yes / No
Index : Yes / No
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