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W.P.(MD)NO.12014 OF 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.(MD)No.12014 of 2014

Jasmine

... Petitioner

Vs.

1. The Principal Secretary to the Government,
School Education Department,
Secretariat, Fort St. George, Chennai – 9.

2. The Director of School Education,
College Road, Nungambakkam, Chennai.

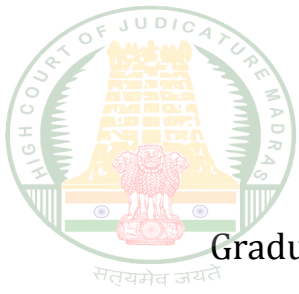
3. The Chief Educational Officer,
Kanyakumari District
at Nagercoil.

4. The District Educational Officer,
Kuzhithurai Education District,
Marthandam, Kanyakumari District.

5. The Correspondent,
Pius XI Higher Secondary School,
Thoothur (Post)-629 176,
Kanyakumari District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the fourth respondent to approve the petitioner's appointment as



Graduate Assistant(Science) in the fifth respondent school w.e.f. 25.10.2010 within the time stipulated by this Court.

For Appellant : Mr.M.R.Sreenivasan
For R-1 to R-4 : Mr.C.Venkatesh Kumar,
Special Government Pleader.

* * *

J U D G M E N T

Heard both sides.

2. The writ petitioner was appointed as B.T.Assistant(Science) in the fifth respondent school on 25.10.2010. Proposal was submitted for approval of the appointment. On the ground that the appointee did not possess TET qualification, her proposal was not considered. Challenging the same, the present writ petition has been filed.

3. The Hon'ble Division Bench vide order dated **20.11.2023 in W.A.(MD)No.320 of 2023 (The State of Tamil Nadu Vs. D.Ruby)** had decided the issue relating to TET qualification for the teachers appointed by the minority institutions. It was held that there cannot be any disparity in educational qualifications among the teachers in



minority and non-minority schools. But the case on hand will have to be determined with reference to the decision of the Hon'ble Division Bench rendered in ***W.A.No.313 of 2022 etc. batch vide order dated 02.06.2023 (The Director of School Education, Chennai Vs. M.Velayutham)***. The Hon'ble Division Bench in paragraph No.74 of the said order reads 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 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.



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(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 (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.”



4. The appointment in this case was made before the cut-off date. Therefore, the appointment will have to be necessarily approved. The monetary benefits payable to the writ petitioner have to be settled expeditiously. If they are settled within twelve weeks from the date of receipt of a copy of this order, it won't carry any interest. In ***Velayutham***'s case, it was held that the principles laid down therein will have no application to minority institutions. In view of the subsequent developments and the decision of the Coordinate Division Bench vide order dated **20.11.2023 in W.A. (MD)No.320 of 2023 (The State of Tamil Nadu Vs. D.Ruby)**, we hold that for minority institutions, TET qualification is mandatory. This writ petition stands allowed on these terms. No costs.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
22nd August 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

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G.R.SWAMINATHAN, J.

AND

K.RAJASEKAR, J.

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To:

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