



W.P.(MD)No.20497 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 05.03.2025

CORAM

THE HON'BLE MR.JUSTICE BATTU DEVANAND

W.P.(MD)No.20497 of 2024
and WMP(MD)No.17394 of 2024

D.Jansi Rani

... Petitioner

Vs

1. The Director of Elementary Education,
College Road, Chennai - 600009.

2. The District Educational Officer, (Elementary Education),
Kovilpatti,
Tuticorin District.

3. The Block Educational Officer,
Kovilpatti,
Tuticorin District.

4. The Correspondent,
R.C.Middle School,
Lingampatti, Kovilpatti,
Tuticorin District

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned proceeding issued by the 3rd respondent Block Educational Officer vide impugned proceedings in Na.Ka.No. 254/A1/2022 dated --. 08.2022, quash the same and further direct the 2nd respondent District Educational Officer herein to approve forthwith the appointment of petitioner as



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Secondary Grade Teacher in the R.C.Middle School, Lingampatti w.e.f 02.07.2018 and disburse the grant-in-aid towards her salary and allowances w.e.f., the said date with all attendant benefits.

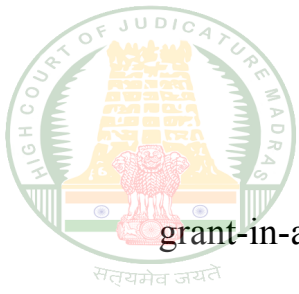
For Petitioner	: M/s.A.Amala
For R1 to R3	: Mr.Amjad Khan Government Advocate
For R4	: M/s.G.Karunya Lakshmi

ORDER

This writ petition has been filed to quash the impugned proceeding issued by the third respondent Block Educational Officer dated --.08.2022 and for consequential direction to the second respondent to approve forthwith the appointment of petitioner as Secondary Grade Teacher in the R.C.Middle School, Lingampatti w.e.f 02.07.2018 and disburse the grant-in-aid towards her salary and allowances with effect from the said date with all attendant benefits.

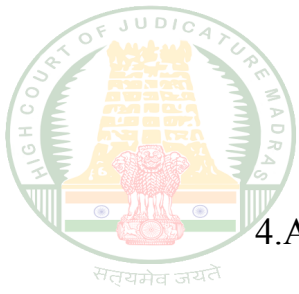
2. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents and perused the records.

3. The case of the petitioner is that she was appointed as Secondary Grade Teacher in the fourth respondent school with effect from 02.07.2018 and the school submitted a proposal to the second respondent through the third respondent for approval of the appointment of the petitioner and to disburse



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grant-in-aid towards her salary. It is learnt that the third respondent forwarded the proposal to the second respondent and the said proposal was returned seeking certain documents. The third respondent forwarded the same to the fourth respondent school. The school re-submitted the proposal to the second respondent through the third respondent on 09.02.2019. Thereafter, no order was passed by the second respondent. Aggrieved by the inaction of the second respondent, the petitioner filed a writ petition in WP(MD)No.7471 of 2019. the said writ petition was clubbed with WA(MD)No.76 of 2019 and batch. The Division Bench of this Court disposed of the said Writ Appeal along with batch by judgment dated 31.03.2021. But in the said judgment, there is no finding with regard to the grievance raised in the petitioner's writ petition. The fourth respondent school had communicated the order of the Division Bench to the third respondent vide letter dated 04.08.2022. On receipt of the same, the third respondent issued proceedings by returning the proposal stating that the petitioner had not passed Teacher Eligibility Test and a case is pending before the Madurai Bench of Madras High Court on that aspect. Aggrieved by the said order of the third respondent in Na.Ka.No.254/A1/2022 dated ... 08.2022 the present writ petition is filed.



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4.A counter affidavit has been filed on behalf of the first respondent, wherein it is stated that on perusal of the records proposal was re-submitted by the fourth respondent school management on 10.08.2022 and the said proposal was verified by the third respondent for the purpose of forwarding the same to the second respondent. It is noticed that proposal submitted by the school did not contain the certificate of Teacher Eligibility Test qualification possessed by the writ petitioner and therefore it is intimated to the fourth respondent school to enclose a copy of the Teacher Eligibility Test examination certificate to forward the same to the District Educational Officer for passing appropriate orders.

5. It is further stated in the counter affidavit the third respondent i.e Block Educational Officer, is not competent authority for passing proposal submitted by the school. At the same time, it is his duty to verify the proposal submitted by the school before forwarding the same to the District Educational Officer as per the proceedings of the Director of Elementary Education, Chennai, dated 30.11.2009.

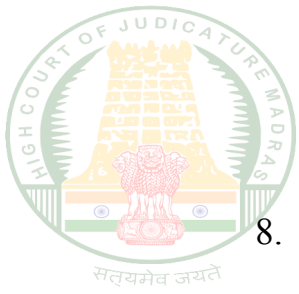
6.The learned counsel for the petitioner submits that the third respondent is not competent authority to issue the impugned order as admitted by the first



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respondent in his counter. In the present case, the fourth respondent school is being minority school, the Teachers to be appointed in that school need not possess TET qualification. In addition to that, the third respondent returned the proposal submitted by the school on the ground that a case is pending before the Madurai Bench of Madras High Court is not correct. WP(MD)No.7471 of 2019 filed by the petitioner was disposed of on 31.03.2021. As such, no case is pending before any court pertaining to the proposal sent by the fourth respondent school with respect to the appointment of the petitioner. The learned counsel further contends that without any authority or without following the factual position and without following the procedure contemplated under law the third respondent erroneously returned the proposal sent by the school and as such it is liable to be quashed.

7. The learned Government Advocate appearing for the respondents would submit that as per the direction on 25.02.2025, the first respondent has considered the issue and after coming to the conclusion that the third respondent is not competent authority to return the proposal submitted by the fourth respondent without forwarding the same to the second respondent, the disciplinary proceedings was initiated against him under 17(b) of Tamil Nadu Government Servant (Discipline and Appeal) Rules.



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8. Having considered the facts and circumstances of the case, it is an admitted fact that the fourth respondent school is an aided minority school and the petitioner was appointed as Secondary Grade Teacher in that school with effect from 02.07.2018. The fourth respondent school sent a proposal to approve the appointment of the petitioner. But the said proposal was not considered yet by the respondents on the ground that the petitioner did not acquire qualification of TET. Now it is settled law that pass in TET examination is not mandatory for appointment of teachers in the minority schools.

9. The Hon'ble Division Bench of our High Court in a judgment reported in **2023-3-LW-112 (The Director of School Education D.P.I. Campus, College Road & others Vs. M.Velayutham & another)** in Paragraph No.74(c) has categorically held that a post in TET examination is not mandatory for being appointed in the minority institution.

10. In the light of the judgment of the Division Bench stated supra, the petitioner is entitled for appointment in the fourth respondent school as Secondary Grade Teacher though she did not pass TET qualification. Accordingly, the second respondent has to grant approval for appointment of the petitioner as the Secondary Grade Teacher in the fourth respondent school



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as per the proposal sent by the fourth respondent school. Keeping the said proposal for several years on one pretext or another is not justified.

11. For the aforesaid reasons, this writ petition is allowed with the following directions:

- i)The impugned order is hereby quashed.
- ii)The second respondent is directed to approve forthwith the appointment of the petitioner as the Secondary Grade Teacher in the fourth respondent school with effect from 02.07.2018 and disburse the grant-in-aid towards her salary and allowances with effect from the said date with all attendant benefits within a period of two weeks from the date of receipt of a copy of this order.

There shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

05.03.2025

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
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BATTU DEVANAND, J.

CM

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To

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College Road, Chennai - 600009.

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Kovilpatti,
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