



W.P.(MD)No.27823 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.27823 of 2024

Thavedhu Raja

... Petitioner

Vs.

1. The Director of Elementary School Education,
D.P.I Compound,
College Road,
Chennai.
2. The District Educational Officer,
Cheranmahadevi,
Tirunelveli District,
Tirunelveli.
3. The Block Educational Office – II,
Cheranmahadevi Range,
Tirunelveli District,
Tirunelveli.
4. The Correspondent,
TDTA Primary School,
Kilakulam,
Cheranmahadevi,
Tirunelveli District,
Tirunelveli.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in respect of order passed by 3rd respondent in O.Mu.No. 2532/A1/2024 dated 24.07.2024 and quash the same and consequently direct the 2nd & 3rd Respondent to approve the appointment of the Petitioner and disburse all the services and monetary benefits from the date of the appointment (i.e., 03.04.2018).

For Petitioner	: M/s.S.Chellapandian
For R1 to R3	: Mr.N.Satheesh Kumar
	Additional Government Pleader
For R4	: Mr.P.P.Alwin Balan

ORDER

The instant Writ Petition has been filed by a Secondary Grade Teacher appointed to the 4th Respondent school challenging the order passed by the 3rd Respondent on 24.07.2024, wherein the appointment of the Writ Petitioner was not approved by the authorities on the ground that there are surplus Secondary Grade Teacher in the said school and the Petitioner has not passed the TET (Teacher Eligibility Test) examination.



W.P.(MD)No.27823 of 2024

WEB COPY

2. The learned counsel for the Petitioner contended that as far as the plea relating to pass the TET (Teacher Eligibility Test) examination is concerned, the 4th Respondent school being a minority institution, the question of passing TET (Teacher Eligibility Test) examination is not mandatory. The learned counsel for the Petitioner brought to the notice of the Court that as far as the staff fixation order of the academic year 2019-2020 is concerned, the 4th Respondent is entitled to appoint a Secondary Grade Teacher. Though the Petitioner was appointed on 03.04.2018, the appointment of the Petitioner may be approved at least from 01.08.2019. To the said effect the additional affidavit has also been filed by the Petitioner.

3. Per contra, the learned Additional Government Pleader appearing for the Respondents 1 to 3 had contended that, since there is no vacancy in the academic year 2017-2018, the appointment of the Petitioner on 03.04.2018 should be construed to be an illegal appointment and therefore, a question of ratifying or approving the said appointment in view of the subsequent event does not arise. He further contended that the



W.P.(MD)No.27823 of 2024

WEB COPY

Petitioner, having not passed TET (Teacher Eligibility Test) examination cannot pray for approval of appointment.

4. I have considered the submissions made by the learned counsel for the Petitioner and the learned counsels for the Respondents. I have also perused the materials available on records.

5. The Hon'ble Division Bench of this Court in the case of **The Director of School Education D.P.I. Campus, College Road, Chennai and Others vs. M.Velayutham and another**, reported in 2023-3-L.W.112 has categorically held in Paragraph 74(c) that a pass in TET (Teacher Eligibility Test) examination is not mandatory for being appointed as teacher in a minority institution. There is no dispute that the Petitioner institution is a minority institution. Therefore, non-passing of TET (Teacher Eligibility Test) examination cannot be a ground for rejecting the approval of the Petitioner.



W.P.(MD)No.27823 of 2024

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6. As far as the issue relating to surplus Secondary Grade Teachers is concerned, though the Petitioner was appointed on 03.04.2018, the staff fixation order for the academic year 2019-2020 reveals that a Secondary Grade Teachers Post can be filled by the 4th Respondent management. Therefore, the authorities can very well approve the appointment of the Petitioner with effect from 01.08.2019 onwards.

7. In view of the above said deliberations, the Impugned Order dated 24.07.2024 is set aside. Accordingly, the Writ Petition is allowed by directing the Respondents to approve the appointment of the Petitioner with effect from 01.08.2019 onwards and release the attendant benefits within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs.

06.01.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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W.P.(MD)No.27823 of 2024

R.VIJAYAKUMAR, J.

rgm

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