



W.P.(MD)No.28311 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2025

**CORAM:
THE HON'BLE MR JUSTICE R.VIJAYAKUMAR**

**W.P.(MD)No.28311 of 2024
and WMP(MD).No.23996 of 2024**

S.Paul

... Petitioner

Vs.

1.The District Educational Officer (Elementary)
Tirunelveli
Tirunelveli District

2.The Block Educational Officer
Tirunelveli Town
Tirunelveli District

3.The Correspondent
STC Branch Upper Clapton Middle School
Tirunelveli Town
Tirunelveli District

.....Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the first respondent in his proceedings in OM.Mu.No. 4065/A5/2024 dated 09.10.2024 and quash the same and consequently direct the respondents to approve the promotion of the petitioner as Middle School Headmaster with effect from 08.03.2024 with all attended benefits.



WEB COPY

W.P.(MD)No.28311 of 2024

For Petitioner : Mr.V.Panneer Selvam

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader for R1 & R2

ORDER

The instant writ petition has been filed by a B.T.Assistant (English) challenging the order passed by the first respondent on 09.10.2024 wherein the proposal of the management to promote the writ petitioner as Middle School Headmaster of the third respondent School has been rejected.

2.A perusal of the impugned order reveals that the proposal forwarded by the management has been rejected by the educational authority on the sole ground that the petitioner has not passed Teachers Eligibility Test (TET) Examination.

3.According to the learned counsel for the petitioner, though relieving order from the post of B.T.Assistant was approved, the promotional order has not been approved. He had further contended that for being appointed or promoted in a minority institution, a pass in TET is not mandatory.

4.Per contra, the learned Additional Government Pleader appearing for the respondents had contended that for being promoted as Middle School Headmaster, a pass in TET is mandatory.



W.P.(MD)No.28311 of 2024

WEB COPY

5.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 pass in TET examination is not mandatory for being appointed as a teacher in the minority institution. Therefore, the order impugned in the writ petition is liable to be set aside and it is accordingly set aside. The respondents are directed to approve the promotion of the writ petitioner with effect from the date of promotion with all attendant benefits and pass orders within a period of 12 weeks from the date of receipt of a copy of this order.

6.In the result, this writ petition stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

03.01.2025.

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



WEB COPY



W.P.(MD)No.28311 of 2024

To

1.The District Educational Officer (Elementary)
Tirunelveli
Tirunelveli District

2.The Block Educational Officer
Tirunelveli Town
Tirunelveli District



WEB COPY



W.P.(MD)No.28311 of 2024

R.VIJAYAKUMAR, J.

msa

W.P.(MD)No.28311 of 2024
and WMP(MD).No.23996 of 2024

03.01.2025