



W.P.(MD)No.28313 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2025

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

**W.P.(MD)No.28313 of 2024
and WMP(MD).No.23997 of 2024**

V.Samuel Thangaraj

... Petitioner

Vs.

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

2.The Block Educational Officer
Cheranmahadevi
Tirunelveli District

3.The Correspondent
TDTA Primary School
Uganthachapuram
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 Na.Ka.No. 4097/A1/2024 dated 25.10.2024 and quash the same and consequently direct the respondents to approve the promotion of the petitioner as Elementary School



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Headmaster with effect from 09.01.2024 with all attended benefits.

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 Secondary Grade Teacher challenging the order passed by the first respondent on 25.10.2024 wherein the proposal of the management to promote the writ petitioner as Elementary 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 Secondary Grade Teacher 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 Primary School



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Headmaster, a pass in TET is mandatory.

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
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Tirunelveli
Tirunelveli District

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Tirunelveli District



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R.VIJAYAKUMAR, J.

msa

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