



W.P.(MD)No.28298 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.01.2025

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

**W.P.(MD)No.28298 of 2024
and WMP(MD).No.23982 of 2024**

Mrs.Archana

... Petitioner

Vs.

1.The Government of Tamil Nadu
Represented by its Additional Chief Secretary
Department of School Education
Fort.St.George, Chennai -9

2.The Director of School Education
DPI Campus
College Road, Chennai – 6

3.The Chief Educational Officer
The office of the Chief Educational Officer
Dindigul District

4.The District Educational Officer (Secondary)
The office of the District Educational Officer
Dindigul District

5.The Correspondent
Holy Cross Girl's Higher Secondary School
Batlagundu, Dindigul District

.....Respondents



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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 impugned proceedings, dated 12.11.2024 in Na.Ka.No.855/A5/2024 on the file of the fourth respondent and quash the same in respect of the petitioner, directing the respondents to approve the appointment of the petitioner Mrs.Archana, working as B.T.Asst.(Science) in Holy Cross Girls' Higher Secondary School, Batlagundu, Dindigul District w.e.f.22.02.2022 with all service benefits.

For Petitioner : Mr.Fr.S.Savarimuthu
For M/s.Father Xavier Associates

For Respondents :Mr.N.Satheesh Kumar
Additional Government Pleader for R1 to R4

ORDER

The present writ petition has been filed by a B.T.Assistant (Science) Teacher challenging the order passed by the fourth respondent herein wherein the proposal forwarded by the management for approving her appointment has been rejected.

2.A perusal of the records reveals that the petitioner was appointed as B.T.Assistant(Science) Teacher in the fifth respondent School with effect from 22.02.2022 in the place arising out of the demise of one Sr.Mercy on 31.08.2017.



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The management has forwarded the proposal to the authority for fresh approval. Under the impugned order dated 12.11.2024, the fourth respondent has rejected the approval on the sole ground that the petitioner has not passed Teachers Eligibility Test Examination. The said order is put to challenge in the present writ petition.

3. According to the learned counsel appearing for the writ petitioner, the fifth respondent School being a minority School, a pass in TET examination is not mandatory for being appointed as a teacher in the said institution.

4. Per contra, the learned Additional Government Pleader appearing for the respondents relying upon the counter had contended that there are surplus B.T. Assistant (History) teachers available within the Educational District when the petitioner was appointed. Without deploying them, the school management cannot seek for approval of appointment of the writ petitioner.

5. I have considered the submissions made on either side and perused the material records.

6. 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



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categorically held that a pass in TET examination is not mandatory for being appointed as a teacher in the minority institution. Therefore, the reason assigned by the authority is not legally sustainable. As far as the plea with regard to the District surplus is concerned, there is no allegation that there are surplus teachers within the fifth respondent School or in the corporate management of the fifth respondent School.

7.In view of the above said facts, the authorities cannot point out surplus in other aided institutions as a legal impediment for approving the appointment of the writ petitioner.

8.In view of the above said deliberations, the order impugned in the writ petition is set aside and the matter is remitted back to the file of the fourth respondent. The fourth respondent is directed to forward the proposal to the third respondent, who in turn shall pass orders approving the appointment of the writ petitioner with effect from 22.02.2022, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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

23.01.2025

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



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