



W.P.(MD)No.29509 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.29509 of 2024

and

W.M.P(MD).Nos.24879 and 24880 of 2024

T.Priscilla Jeba Malathi

... Petitioner

Vs.

1. The Chief Educational Officer,
O/o. the Chief Educational Office,
Theni,
Theni District.
2. The District Educational Officer (Primary Education),
Theni,
Theni District.
3. The Correspondent,
U.S.Primary School,
CSI Church Complex,
Chinnamanur,
Theni.

... Respondents

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 relating to the order passed by the 2nd respondent in his proceedings in Na.Ka.No.1483/Aa3/2024 dated 05.07.2024 and quash the same as illegal and consequently to direct the 2nd respondent to approve the appointment of the petitioner, in the post of Headmistress in the 3rd Respondent School w.e.f 21.02.2024 with all attendant, service and monetary benefits.



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W.P.(MD)No.29509 of 2024

For Petitioner : Mr.S.A.Iniyavan Abdullah
For R1 and R2 : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

The instant writ petition has been filed by a Secondary Grade Teacher working in the third respondent school challenging the order passed by the second respondent, wherein the request of the management to approve her promotion as Headmistress has been rejected.

2. A perusal of the records reveals that the petitioner was working as a Secondary Grade Teacher in the third respondent school and the management had promoted the petitioner as headmistress in the same school with effect from 21.02.2024. The management has forwarded the proposal to the second respondent for their approval on the same date. The said proposal has been rejected by the second respondent on the sole ground that the petitioner has not passed TET (Teacher Eligibility Test) examination. Hence, the present writ petition has been filed.



W.P.(MD)No.29509 of 2024

WEB COPY

3. According to the learned counsel appearing for the writ petitioner, the third respondent institution being a minority institution, it is not mandatory to clear TET (Teacher Eligibility Test) examination for being promoted as a Headmistress of the primary school.

4. Per contra, learned Additional Government Pleader relying upon the counter affidavit had contended that the petitioner cannot be promoted as Headmistress of the primary school unless she had passed TET (Teacher Eligibility Test) examination.

5. I have carefully considered the submissions on either side and perused the materials available on records.

6. 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.



W.P.(MD)No.29509 of 2024

WEB COPY

7. In such circumstances, the proposal forwarded by the management to approve the appointment of the writ petitioner cannot be returned.

8. Considering the above said facts, the order impugned in the present writ petition is set aside and the matter is remitted back to the file of the second respondent and the second respondent is directed to pass orders to approve the promotion of the writ petitioner within a period of 12 weeks from the date of receipt of a copy of this order.

9. With the above observations and directions, the writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

29.01.2025

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



W.P.(MD)No.29509 of 2024

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To

1. The Chief Educational Officer,
O/o. the Chief Educational Office,
Theni,
Theni District.
2. The District Educational Officer (Primary Education),
Theni,
Theni District.



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W.P.(MD)No.29509 of 2024

R.VIJAYAKUMAR, J.

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