



W.P.(MD)No.29163 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.01.2025**

CORAM:

THE HONOURABLE **MR.JUSTICE R.VIJAYAKUMAR**

W.P.(MD)Nos.29163 of 2024

and

W.M.P(MD)Nos. 24677 of 2024

Sr.Mariya Anthony Sophiya

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
represented by its Secretary,
Department of School Education,
Fort St.George, Chennai -9.
- 2.The Director of School Education,
DPI Campus,
College Road, Chennai -6.
- 3.The District Elementary Educational Officer,
The Office of the Chief Educational Officer,
Trichirappalli District.
- 4.The Block Educational Officer,
The Office of the District Educational Officer,
Trichirappalli District.
- 5.The Correspondent,
Holy Cross Primary School,
Ponmalai, Thiruverambur Union,
Trichirappalli District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned proceedings dated 24.10.2024, in O.Mu. No. 3810/A2/2024, on the file of the 3rd respondent and quash the same, in respect of the petitioner, directing the respondents to approve the promotion of the petitioner Sr. Maria Anthony Sophiya, working as Headmistress, in Holy Cross Primary School, Ponmalai, Trichy District, w.e.f. 11.06.2024, with all service and monetary benefits.

For Petitioner : Mr.S.Savarimuthu
for Father Xavier Associates

For R1 to R4 : Mr.T.Amjadkhan
Government Advocate

For R5 : Mr.A.T.Anbarasan

ORDER

The instant writ petition has been filed by a Secondary Grade Teacher working in the fifth respondent management challenging the order passed by the third respondent herein on 24.10.2024.

2. The petitioner herein who was working as a Secondary Grade Teacher in the fifth respondent school was promoted by the management as a primary school headmistress by an order dated 11.06.2024. The



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promotion order was sent to the authorities for approval. Under the impugned order, the approval has been rejected by the authorities on the sole ground that the petitioner has not passed TET (Teacher Eligibility Test) Examination. This order is put to challenge in the present writ petition.

3. Learned counsel appearing for the writ petitioner has contended that the institution is a minority institution and therefore a pass in TET Examination is not mandatory either for appointment or being promoted. Hence he prayed for allowing the writ petition.

4. Per contra, learned Additional Government Pleader contended that the petitioner who is seeking promotion should have mandatorily passed TET Examination, hence he prayed for sustaining the order passed by the authorities.

5. Heard both sides and perused the material on record.

6. The Hon'ble Division Bench of our High Court in paragraph No. 74(c) of the judgment reported in **2023 (3) LW 112 (The Director of School Education, D.P.I. Campus, College Road, Chennai -06 and two**



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others Vs. Velayutham and another) has categorically held that pass in TET examination is not mandatory for being appointed as teacher in a Minority Institution. In this circumstance, the authorities cannot insist upon a pass in TET either for appointment or for being promoted to a higher level.

7. In these circumstances, the order impugned in this writ petition dated 24.10.2024, is set aside and the respondents are directed to approve the promotion of the writ petitioner without insisting of a pass in TET examination and pass orders within a period of 12 weeks from the date of receipt of a copy of this order.

8. With the above said direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition stands closed.

03.01.2025

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

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R.VIJAYAKUMAR, J.

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