



W.P.(MD)No.29314 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 22.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.29314 of 2024

and

WMP(MD)No.24751 of 2024

Muslim Higher Secondary School,
Represented by its Correspondent,
Mr.O.M.S.Ahamed Nainar,
Abiramam,
Ramanathapuram District.

... Petitioner

Vs.

1. The Chief Educational Officer,
Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.

2. The District Educational Officer (Secondary),
Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.

... 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 impugned order in Pa.Mu.No.8897/Aa6/2024 dated 22.10.2024 passed by the 1st respondent r/w impugned order in Na.Ka.No. 5266/Aa4/2024 dated 04.11.2024 issued by the 2nd respondent and quash the same and consequently direct the respondents to approve the appointment of Mr.A.Ali Akbar Riyaz in the post of B.T.Assistant (Social Science) from the date of his appointment i.e., on 04.07.2019 with all consequential benefits.



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For Petitioner : Mr.T.Antony Arulraj

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader

ORDER

Mr.N.Satheesh Kumar, learned Additional Government Pleader takes notice on behalf of the respondents.

2. The instant writ petition has been filed by an aided minority educational institution challenging the order passed by the 1st respondent and the consequential order passed by the 2nd respondent, wherein the proposals submitted by the management for approving the appointment of one Mr.A.Ali Akbar Riyas as BT. Assistant (Social Science) has been rejected.

3. A perusal of the impugned order reveals that the approval has been rejected on the ground that the writ petition filed by the petitioner management in W.P(MD)No.14325 of 2024 and etc. batch is pending.



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4. According to the learned counsel appearing for the Petitioner, W.P.(MD)No.14325 of 2024 and etc. batch which was filed by the management has already been disposed of by this Court on 18.09.2024 in favour of the writ petitioner. He further contended that the petitioner institution being a minority institution, a pass in TET (Teacher Eligibility Test) examination is not mandatory.

5. Per contra, learned Additional Government Pleader appearing for the Respondents herein had contended that the appointment having been made on 03.07.2019, a pass in TET (Teacher Eligibility Test) examination is mandatory and therefore, the petitioner management cannot seek for approval of the appointment.

6. I have considered the submissions on either side and perused the materials available on record.



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7. 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. Therefore, such ground cannot be raised by the authority for rejecting the proposal submitted by the petitioner management.

8. That apart W.P(MD)No.14325 of 2024 and etc. batch is not pending and it has been disposed of in favour of the management.

9. In view of the above said facts, the order impugned in the writ petition is set aside and the respondents are directed to approve the appointment of Mr.A.Ali Akbar Riyas as BT. Assistant (Social Science) with effect from 04.07.2019 with all consequential benefits and pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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10. With the above observations and directions, the writ petition stands allowed. No costs. Consequently, the connected miscellaneous petition is closed.

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(1/4)

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

To

1. The Chief Educational Officer,
Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.
2. The District Educational Officer (Secondary),
Chief Educational Office,
Ramanathapuram,
Ramanathapuram District.



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R.VIJAYAKUMAR, J.

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