



W.P.(MD)No.29766 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.29766 of 2024
and
WMP.(MD)No.25092 of 2024

A.Kanagamani

... Petitioner

Vs.

1. The Chief Educational Officer,
Tirunelveli District,
Tirunelveli.
2. The District Elementary Educational Officer,
Tirunelveli District,
Tirunelveli.
3. The Manager,
TDTA Primary & Middle School,
Tirunelveli District,
Tirunelveli.
4. The Correspondent,
TDTA Primary School,Samboothu,
Alagiyapandiyapuram Post, Mansoor Taluk,
Tirunelveli District,
Tirunelveli.

... Respondents



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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 of the Impugned Order dated 18.11.2024 on the file of the 2nd Respondent and quash the same and further directing the Respondents to approve the service of the Petitioner in the post of Headmaster in the 4th Respondent School w.e.f. 07/11/2023 with all service benefits.

For Petitioner : Mr.Vinoharan

For Respondents : Mr.T.Amjad khan
Government Advocate

ORDER

The instant writ petition has been filed seeking to quash the order passed passed by the 2nd respondent herein, wherein the request of the management for approving the promotion of the writ petitioner has been rejected.

2. A perusal of the records reveals that the petitioner is working as a secondary grade teacher in the 4th respondent school. The 4th respondent management has promoted the writ petitioner on 07.11.2023 as Headmistress of the primary school. The management has forwarded the



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proposal to the authorities for their approval. However, the proposal has been rejected by the 2nd respondent under the impugned order dated 18.11.2024 on the sole ground that the petitioner has not passed TET (Teacher Eligibility Test) examination. This order is under challenge in the present writ petition.

3. According to the learned counsel appearing for the writ petitioner, the 4th respondent institution is an aided minority institution and therefore a pass in TET (Teacher Eligibility Test) examination is not mandatory for being appointed or promoted to any post in the said institution.

4. Per contra, learned Government Advocate appearing for the respondents relying upon the counter affidavit filed the 2nd respondent had contended that the Petitioner having not passed TET (Teacher Eligibility Test) examination, cannot pray for approval for her promotion.

5. Heard the learned counsel on either side and perused the materials available on records.



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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. Therefore, non-passing of TET (Teacher Eligibility Test) examination cannot be a ground for rejecting the approval for promoting the writ petitioner.

7. Therefore, on the said ground the authorities cannot reject the request of the management to approve the promotion order of the writ petitioner.

8. In view of the above said deliberations, the order impugned in the writ petition is set aside and the 2nd respondent is directed to approve the promotion order of the writ petitioner with effect from 07.11.2023 and



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pass appropriate orders within a period of twelve (12) weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

20.01.2025

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

To

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R.VIJAYAKUMAR, J.

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