



W.P.(MD)No.29763 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.29763 of 2024

and

W.M.P(MD)Nos. 25089 of 2024

The Correspondent,
St.Peter's Middle School,
Subramaniapuram,
Tuticorin District.

... 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 District Educational (Primary) Officer,
The Office of the Chief Educational Officer,
Kovilpatti, Tuticorin District.

4.The Block Educational Officer,
The Office of the Block Educational Officer,
Vilathikulam, Tuticorin District.

5.The Correspondent,
St.Xavier's Primary School,
Cathedral, Tuticorin 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 04.10.2024, in Na.Ka.No. 2528/A1/2024, on the file of the 3rd respondent and quash the same, in respect of the petitioner, directing the respondents to countersign the relieving order for the promotion of the incumbent Mrs.A.Mebila, working as Headmistress, in St.Xavier's Primary School, Cathedral, Tuticorin District.

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 Correspondent of a minority institution challenging the order passed by the third respondent on 04.10.2024.

2. The petitioner management has promoted Mrs.A.Mebila, from the post of Secondary Grade Teacher to the post of Primary School



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Headmistress on 06.06.2024 with effect from 10.06.2024. The relieving order of the petitioner was forwarded to the authorities for their approval. Under the impugned order, the third respondent has refused to approve the relieving order primarily on the ground that the promotee has not passed TET examination. This order is put to challenge in the present writ petition.

3. According to the learned counsel for the writ petitioner, the petitioner institution being a minority institution, it is not mandatory for the appointee to pass TET either for appointment or for promotion.

4. Per contra, learned Additional Government Pleader appearing for the respondent herein has contended that for being promoted as a Primary School Headmistress, a pass in TET is a required qualification.

5. Heard the submissions on either side and perused the materials on record.

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, Chennai -06 and two others Vs. Velayutham**



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and another) in paragraph No. 74(c) has categorically held that pass in TET examination is not mandatory for being appointed as teacher in a Minority Institution.

7. Admittedly, the petitioner institution is a minority institution. Therefore, the authorities cannot reject the approval of relieving the writ petitioner on the ground that the promotee has not pass passed TET examination.

8. In view of the above said deliberations, the order impugned in this writ petition is set aside and the third respondent is directed to approve the relieving order of the writ petitioner and pass orders within a period of four weeks from the date of receipt of a copy of this order.

9. 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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