



W.A(MD)Nos.3150, 3151 & 3155 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A(MD)Nos.3150, 3151 & 3155 of 2025
and
C.M.P(MD)Nos.19061, 19065 & 19126 of 2025

1.W.A(MD)No.3150 of 2025:

The Secretary,
Rama Palanivelamsamy High School,
Bodi - Meenatchipuram,
Theni District.

...Appellant/Writ Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by the Secretary,
School Education Department,
Fort St.George,
Chennai - 600 009.

2.The Director of School Education,
DPI Campus,
College Road,
Chennai 600 006.



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3.The Chief Educational Officer,
Theni District, Theni.

4.The District Educational Officer,
District Educational Officer,
Theni District.

5.N.Neelambigai

... Respondents

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order made in W.P.(MD)No.8020 of 2019 dated 24.09.2025 on the file of this Court and allow the Writ Appeal.

For Appellant : Mr.F.X.Eugene

For Respondents : Mr.J.Ashok (R1 to R4)
Additional Government Pleader

2.W.A(MD)No.3151 of 2025:

The Secretary,
Rama Palanivelsamy High School,
Bodi - Meenatchipuram,
Theni District.

...Appellant/5th Respondent

Vs.

1.The State of Tamil Nadu,
Represented by the Secretary,
School Education Department,
Fort St.George, Chennai - 600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.



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3.The Chief Educational Officer,
Theni District, Theni.

4.The District Educational Officer,
District Educational Officer,
Theni District.

... Respondents 1 to 4/
Respondents 1 to 4

5.N.Neelambigai

... 5th Respondent/Writ Petitioner

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order made in W.P.(MD)No.912 of 2019 dated 24.09.2025 on the file of this Court and allow the Writ Appeal.

For Appellant : Mr.F.X.Eugene

For Respondents : Mr.J.Ashok (R1 to R4)
Additional Government Pleader

3.W.A(MD)No.3155 of 2025:

The Secretary,
Rama Palanivelsamy High School,
Bodi - Meenatchipuram,
Theni District.

...Appellant/Writ Petitioner

Vs.

The Joint Director,
School Education (Secondary Education),
Chennai – 600 006.

...Respondent/Respondent

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order made in W.P.(MD)No.21591 of 2022 dated 24.09.2025 on the file of this Court and allow the Writ Appeal.



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For Appellant : Mr.F.X.Eugene
For Respondent : Mr.J.Ashok
Additional Government Pleader

COMMON JUDGMENT

(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

The Secretary, Rama Palanivelsamy High School, Bodi-Meenatchipuram, Theni District (in short 'appellant school') is the appellants in all Writ Appeals.

2.One Neelambigai/R5 in W.A(MD)Nos.3150 & 3151 of 2025 had been appointed as BT Assistant in the appellant school, which is a non-minority school. The proceedings relating to her appointment dated 05.12.2014 set out a specific condition among others, that the candidate should have passed the Teachers Eligibility Test (in short 'TET'). This condition figured in light of the Right to Education Act, 2009, having come into force on 01.04.2010.

3.The appointment of R5 was made on 23.12.2014, well after coming into force of the Act. Though she had not obtained the necessary eligibility, the appellant school sought approval of the appointment of the



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candidate, which came to be rejected by way of the order impugned in the Writ Petition dated 08.11.2018.

4.In the order passed by the writ Court on 24.09.2025, learned Judge has found categorically that the appointment of the teacher on 23.12.2014 without fulfilling the eligibility criteria of having passed TET, necessarily disentitles the candidate from grant of approval. Hence, rejection of the request was correct.

5.We have heard Mr.F.X.Eugene, learned counsel appearing for appellant and Mr.J.Ashok, learned Additional Government Pleader appearing for official respondents.

6.As before the writ Court, learned counsel for appellant relies on the Judgment of the Supreme Court in *Anjuman Ishaat-E-Taleem Trust Vs. the State of Maharastra and others* (2025 INSC 1063). That decision would have no application to the present matter, as it pertains to the appointment of teachers in minority schools where the position is different.

7.The Supreme Court in the above matter has doubted the conclusion of the earlier Bench of the Supreme Court in *Pramati*



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Educational and Cultural Trust Vs. Union of India [(2014) 8 SCC 1] to

the effect that the completion of TET is not mandatory in the cause of faculty of minority institutions, seeking reference of the issue to a Larger Bench.

8.As far as the present matter is concerned, useful reference may be made to the decision of this Court in *The Director of School Education and others Vs. M.Velayutham and another [(2023) 3 LW 112]*, where, in para 72, the Bench observes as follows:

'72. In the light of the above narration, taking note of the factual background, the legal provisions spelling out the intention of the legislature and the effect of the subordinate legislation pursuant thereto, the inescapable conclusion of this court would be that every teacher whether Secondary Grade or BT Assistant, whether appointed by direct recruitment or promotion in the case of BT Assistant, after the coming into force of the RTE Act and the NCTE notifications must necessarily possess/acquire the eligibility of a pass in TET. Therefore, the claim that Secondary Grade Teachers appointed prior to the commencement of the Act and notifications will now be eligible for promotion to the post of BT Assistant without passing TET, cannot be countenanced. For any fresh appointments, whether by direct recruitment in the case of Secondary Grade Teachers, or by either direct recruitment or promotion or transfer in the Graduate Assistants/BT Assistants, a pass in TET is an essential eligibility criteria to be fulfilled.'



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9.In light of the aforesaid, we see no infirmity in the conclusion under order dated 24.09.2025 and confirm the same. These Writ Appeals are dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

[A.S.M.J.] & [C.K.J.]
28.11.2025

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

1.The State of Tamil Nadu,
Represented by the Secretary,
School Education Department,
Fort St.George,Chennai - 600 009.

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