



W.P.(MD)No.30764 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 29.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.30764 of 2024

The Correspondent,
St.Antony's Primary School,
Therku Santhanoor,
Manamadurai,
Sivagangai District.

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St.George,
Chennai - 600 009.
2. The Director of Elementary Education,
College Road,
Chennai - 600 006.
3. The District Educational Officer,
(Elementary Education),
Sivagangai,
Sivagangai District.
4. The Block Educational Officer,
Manamadurai,
Sivagangai District.

... 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 relating to the impugned proceedings issued by the 4th respondent BEO in Na.Ka.No.2045/A1/2024 dated 20.11.2024 and the consequential proceeding of the 3rd respondent DEO in Na.Ka.No.2569/A4/2024 dated 26.11.2024, Quash the same, and further direct the 3rd respondent District Educational Officer (Elementary), Sivagangai herein to approve forthwith the transfer and promotion of Tmt.P.Julie as Headmistress w.e.f., 11.06.2024 in the petitioner's school namely, St.Antony's Primary School, Therku Santhanoor and the disburse grant-in-aid towards her salary along with arrears.

For Petitioner : M/s.A.Amala

For Respondents : Mr.T.Amjad Khan
Government Advocate

ORDER

Mr.T.Amjad Khan, learned Government Advocate takes notice on behalf of the respondents.

2. The instant writ petition has been filed by the management of the aided minority educational institution, challenging the order passed by the fourth respondent herein, wherein the promotion of one M/s.P.Julie as Headmistress in the petitioner school has not been approved by the authorities.



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3. A perusal of the records reveals that M/s.P.Julie was working as a Secondary Grade Teacher in the St.Joseph's R.C.Middle School, Susaiapparpattanam. The corporate management has chosen to promote her as Headmistress of the petitioner school by way of proceedings dated 08.06.2024 with effect from 11.06.2024.

4. The management has forwarded the proposal to the Block Educational Officer on 11.06.2024. The second respondent herein had passed an order on 26.06.2024 rejecting the proposal on the ground that the proposal has not been countersigned by the fourth respondent. This order was put to challenge by the petitioner management in W.P.(MD)No. 23100 of 2024. This Court by an order dated 17.10.2024 has directed the District Educational Officer (Elementary Education) to consider the proposals submitted by the management without insisting any countersignature of the relieving order of the Block Educational Officer. Thereafter, the present impugned order has been passed by the third respondent herein. The fourth respondent herein has passed an order on 20.11.2024 again insisting for a counter signature for the relieving order.



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Thereafter, pursuant to the same the third respondent has passed the order on 26.11.2024 insisting a pass in TET (Teacher Eligibility Test) examination. These two orders are challenged in the present writ petition.

5. According to the learned counsel appearing for the petitioner, the institution being a minority institution, the question of pass in TET (Teacher Eligibility Test) examination does not arise. He further contended that this Court has directed the third respondent to consider the proposal of the management without insisting on the counter signature of the relieving order again such order cannot be passed by the fourth respondent.

6. Per contra, learned Government Advocate appearing for the respondents relying upon the counter affidavit had contended that the petitioner having been promoted as a Headmistress, a pass in TET (Teacher Eligibility Test) examination is mandatory. Therefore, the approval cannot be granted.



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7. I have carefully considered the arguments on either side and perused the materials available on record.

8. 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 authorities.

9. This Court by its order dated 17.10.2024 in W.P.(MD).No.23100 of 2024 had directed the third respondent herein to consider the proposal, without insisting for any counter signature of the relieving order. Therefore, in such circumstances, the order impugned in the writ petition is not legally sustainable.



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10. Considering the above said facts, the order impugned in the writ petition is hereby set aside and the matter is remitted back to the file of the third respondent herein. The third respondent shall pass orders approving the promotion of the writ petitioner within a period of 12 weeks from the date of receipt of a copy of this order.

11. The writ petition stands allowed with the above observations and directions. No costs.

29.01.2025

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



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To

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R.VIJAYAKUMAR, J.

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