



WEB COPY



W.P.No.5208 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.01.2026

C O R A M

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.5208 of 2024
and W.M.P.No.5727 of 2024

R.Violet Bernath

... Petitioner

Vs

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

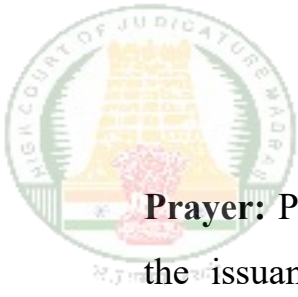
2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

3.The Chief Educational Officer
The Office of the Chief Educational Officer
Thiruvannamalai-606 601.

4.The District Educational Officer (Secondary)
Office of the District Educational Officer
Thiruvannamalai-606 604.

5.The Correspondent
Punitha Sagaya Annai Boys Higher Secondary School
Pavithram Village & Post
Thiruvannamalai District-606 806.

... Respondents



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Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the impugned order dated 03.01.2024 in Na.Ka.No.2261/AA2/2021 on the file of the 4th respondent and quash the same, directing the Respondents 1 to 4, to accord approval to the promotion of the petitioner, Mrs.R.Violet Bernath, working as B.T.Asst (History) I the 5th respondent Punitha Sagaya Annai Boys Higher Secondary School, Pavithram Village & Post, Thiruvannamalai District-606 806 w.e.f.01.02.2021, with all service and monetary benefits.

For Petitioner : Mr.Father Xavier Arulraj, Senior Counsel
for M/s.Father Xavier Associates

For Respondents : Mrs.S.Mythreye Chandru,
Special Government Pleader for RR-1 to 4

ORDER

Aggrieved by the order passed by the 4th respondent, whereby the proposal seeking grant of approval to the petitioner's promotion was rejected, the petitioner is before this Court.

2. The petitioner was initially appointed as Secondary Grade Assist in Little Flower High School, Madurampattu w.e.f. 11.08.1999 and the same was approved by competent Educational Authorities vide proceedings dated 03.12.1999. In view of the vacancy arose in the 5th respondent school to the post of B.T.Assist (History) on account of transfer of one V.Sagayadoss on 03.06.2019, one M.D.Kanagamary was promoted as B.T.Assist (History).



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Subsequent to her retirement, the petitioner was promoted to the said post by order dated 22.01.2021 w.e.f. 01.02.2021 and thereafter, a proposal for grant of approval for the said promotion was sent to the 4th respondent on 05.05.2021 however, the said proposal was returned unapproved vide proceedings dated 15.11.2021 raising certain queries. After compliance, the 5th respondent, by letter dated 23.11.2021 requested for grant of approval to the promotion of the petitioner, however, the same was rejected by the 4th respondent vide impugned order dated 03.01.2024. Challenging the said refusal order, the present Writ Petition has been filed.

3. Learned Senior Counsel appearing for the petitioner submitted that the impugned order passed by the 4th respondent rejecting the claim for approval to the promotion of the petitioner to the post of B.T.Asst (History) citing that the petitioner did not possess TET qualification is wholly contrary to the decision of the Hon'ble Division Bench of this Court in W.A.No.313 of 2022 dated 02.06.2023 wherein, it is held that the TET qualification will not be applicable to the Minority Schools. He further submitted that the issue relating to applicability of TET qualification is pending before the Apex Court and therefore, this Court may permit the 5th respondent school to re-submit the approval to the 4th respondent so as to enable to the 4th respondent to pass appropriate orders.



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4. Learned Special Government appearing for the respondents has no objections to the said order being passed.

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

6. Having regard to the aforesaid submissions, this Court, without interfering with the impugned order, grants liberty to the 5th respondent to re-submit the proposal to the 4th respondent seeking grant of approval to the promotion of the petitioner to the post of B.T. Asst (History) within a period of four (4) weeks from the date of receipt of a copy of this Order and upon receipt of the same, the 4th respondent is directed to pass appropriate orders on the same within a period of six (6) weeks thereafter.

7. Accordingly, the Writ Petition stands disposed of. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

06.01.2026
(2/2)

Index : Yes / No
Speaking Order / Non-speaking order
Neutral Citation Case : Yes / No
Nhs



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M.DHANDAPANI, J

Nhs

To

1.The Principal Secretary,
The Government of Tamil Nadu,
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Fort St.George, Chennai-600 009.

2.The Director of School Education,
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