



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-06-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

W.P. No. 18504 of 2026

and W.M.P.Nos.19844 and 19846 of 2026

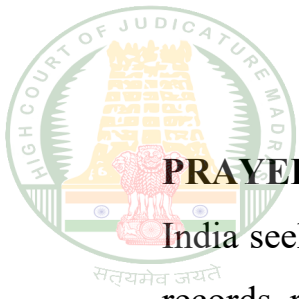
The Correspondent
St. Gabriel Aided Girls Primary School,
A.N.Mangalam, Karipatti,
Ayothiyapattinam Union,
Salem District-636 106

..Petitioner(s)

Vs

1. The State of Tamil nadu
Rep. by its Secretary,
Department of School Education,
Fort St. George, Chennai-600 009
2. The Director School Education College Road,
Chennai-600 006.
3. The District Educational Officer (Elementary)
Office of the DEO Room No.306,
Salem Urban, Salem Collectorate,
Salem District-636 001.
4. The Block Educational Officer
Office of the BEO
Ayothipattinam, Salem District-636 103.

..Respondent(s)



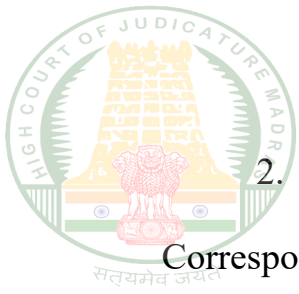
PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India seeking the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent district Educational officer in Na.Ka. No.3995/a4/ 2025 dated 11.12.2025 quash the same and further direct the 3rd and 4th respondents to approve Sr.S.Lizzys promotion as Primary Headmistress in the petitioner school w.e.f 12.06.2024 with all attendant benefits including the arrears of salary of salary and allowance.

For Petitioner(s): Ms. Amala Irudhaya Mary S

For Respondent(s): Mr. K. Sathish, Government Advocate

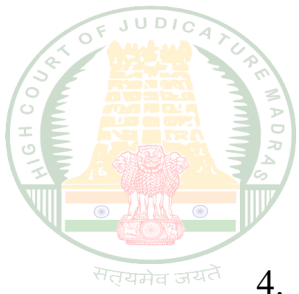
ORDER

The present Writ Petition has been filed seeking the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 3rd respondent district Educational officer in Na.Ka. No.3995/ a4/ 2025 dated 11.12.2025 quash the same and further direct the 3rd and 4th respondents to approve Sr.S.Lizzys Promotion as Primary Headmistress in the petitioner school w.e.f 12.06.2024 with all attendant benefits including the arrears of salary of salary and allowance.



2. The learned counsel for the petitioner submitted that Sr.S.Lizzy, is a Correspondent of St. Gabriel Aided Girls Primary School, A.N.Mangalam, which is an aided minority institution. She was promoted and appointed a primary Headmistress on 12.06.2024 to the vacancy that arose due to the retirement of Sr. Jemma Rani on 11.06.2024. The said appointee was relieved on 11.06.2024 from St. Joseph's Aided Primary School, Yercaud, where she was previously working. However, the said relieving has not been approved by the DEO till date. Several representations made by the petitioner seeking approval for both the relieving and the promotional appointment of the said appointee as primary Headmistress met with no response. Consequently, the petitioner filed W.P. No. 38752 of 2025 seeking approval of the promotion. This Court, by an order dated 06.11.2025, disposed of the Writ Petition with a direction to consider and pass orders on the same. Pursuant thereto, on 11.12.2025, the DEO passed an order rejecting the promotional approval of the appointee on the grounds that she does not possess the TET qualification. It is submitted that TET is not a mandatory qualification for promotion within a minority educational institution. Hence, the present writ petition.

3. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents and perused the materials placed before this Court.



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4. The applicability of the RTE Act and the requirement of qualifying TET for appointment of teachers in the minority institutions was originally considered by the Constitution Bench of the Hon'ble Supreme Court in ***Pramati Educational and Cultural Trust Vs. Union of India***, reported in (2014) 8 SCC 1, wherein it was held that the provisions relating to TET would not apply to the minority institutions. Thereafter, this Court had consistently followed the said dictum with reference to the minority institutions.

5. Later, a plea had been made to re-consider the said judgment insofar relates to the applicability of TET qualification for the minority institutions in the case of ***Anjuman Ishaat-E-Taleem Trust vs. The State of Maharashtra & others*** in Civil Appeal in CA.No.1385 of 2025 and batch. The learned Judges, being fully conscious of the fact that the judgment in ***Pramati Educational and Cultural Trust***, *supra* is the one rendered by the Constitution Bench, had after discussing the provisions of the RTE Act and the effect of the newly inserted Fundamental Right Article 21-A in Part III of the Constitution, considered the implications arising out of the exclusion of minority institutions from the purview of the RTE Act in the light of the ***Pramati Educational and Cultural Trust***, *supra*. Ultimately, the learned Judges, had referred the matter to the



Hon'ble Chief Justice of India for constitution of a Larger Bench. One of the questions referred is as follows:

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(a) *Whether the judgment in **Pramati Educational and Cultural Trust**, supra, exempting minority educational institutions, whether aided or unaided, falling under clause (1) of Article 30 of the Constitution, from the purview of the entirety of the RTE Act does require reconsideration for the reasons assigned by us?*

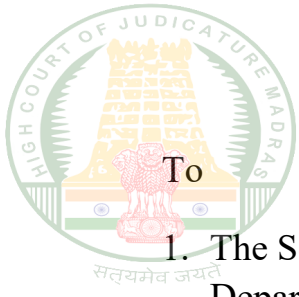
Therefore, the reference is yet to be answered and untill such time the reference is answered, the judgment rendered in **Pramati Educational and Cultural Trust**, supra will hold good.

6. Accordingly, this Writ Petition is allowed and the impugned order cannot be sustained and hence, the same is quashed. Consequently, the respondents are directed to approve the appointment/promotion of the petitioner, subject to the result of the matter now referred to the Larger Bench. Consequently, the connected Miscellaneous Petition is closed. No costs.

03-06-2026

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

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To

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P.T.ASHA, J.

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