



WP(MD). No.9107 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.06.2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.9107 of 2026

Superintendent of R.C.Schools,
R.C.Diocese of Sivagangai,
Sivagangai – 630 561
Sivagangai District.

... Petitioner

Vs.

1. The District Educational Officer(Elementary Education),
Sivagangai,
Sivagangai District.

2. The Block Educational Officer- 2,
Manamadurai,
Sivagangai District..

3. The Block Educational Officer - 1,
Thirupavanam,
Sivagangai District.

4. The Correspondent,
Sacred Heart Middle School,
Idaikattur,Sivagangai District.

5. The Correspondent,
R.C. Middle School,
V.Michaelpattanam,
Vembathur,
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, calling for the records relating to the impugned proceeding issued by the first respondent District Educational Officer in O.Mu.No.2265/AA4/2025 dated --.08.2025 and the consequential impugned proceeding of the second respondent Block Educational Officer in O. Mu. No. 1158/AA1/2025 dated 26.08.2025 refusing to approve/countersign the relieving order issued by the fourth respondent school, QUASH THE SAME, and further DIRECT the first and second respondents herein to approve/countersign forthwith the Relieving Order submitted by the fourth respondent school and further direct the first respondent District Educational Officer (Elementary), Sivagangai herein to approve forthwith the transfer and promoiton of A.Jabamali Valanarasu as Headmaster in the fifth respondent school with effect from 04.07.2025 and disburse grant aid towards his salary along with arrears.

For Petitioner : Ms.A.Amala
For R1 to R3 : Mrs.K.Porkodi
Government Pleader

ORDER

This writ petition has been filed by the Superintendent of R.C. Schools, challenging the order passed by the first respondent, wherein the proposal of the Management for approval of the promotion order issued in favour of one A.Jabamali Valanarasu promoting him to the post of Headmaster in the fifth respondent school with effect from 04.07.2025 on the ground that the said candidate is not having the qualification of pass in Teachers Eligibility Test.



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2. When this matter came up for consideration before this Court on 03.06.2026, the learned counsel for the petitioner brought to the notice of this Court that the very same issue has fallen for consideration before this Court earlier in WP(MD)No.11300 of 2026 dated 29.04.2026 and submitted that the issue that arise in this writ petition is also squarely covered by the said order. In view of the same, an opportunity was given to the learned Government Pleader appearing for the respondents 1 to 3 to verify.

3. Mrs.K.Porkodi, learned Government Pleader, having verified and gone through the order dated 29.04.2026, fairly submitted that there is no requirement of pass in Teachers Eligibility Test in respect of the teachers working in minority institutions as on date. However, she submitted that on the very same issue, the decision rendered by Hon'ble Apex Court in **Pramati Educational and Cultural Trust and others v. Union of India (2014) 8 SCC 1** has now been referred to a Larger Bench before the Hon'ble Apex Court and in that, decision is yet to be rendered.

4. Heard both sides and perused the materials available on record.



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5. Admittedly, as on date, the decision rendered in **Pramati's** case is operating. This Court also has taken note of the same and allowed an identical writ petition by order dated 29.04.2026. The relevant portion of the said order reads as under:

*"2. According to the learned counsel for the petitioner, the very same issue has fallen for consideration before this Court as well as the Hon'ble Apex Court and in **Paramati Educational and Cultural Trust vs. Union of India** reported in **2014(8)SCC page No.1**, the Hon'ble Apex Court categorically held that the provisions of the Right to Education Act, 2009 cannot be made applicable to minority institutions to thrust TET upon them. Relying on the said judgment, the learned counsel contended that the sole ground on which the impugned proceeding came to be issued is fully unsustainable and contrary to the decision of the Hon'ble Apex Court. The learned counsel for the petitioner also placed reliance on the order dated 12.12.2025 passed in WP(MD)No.25256 of 2025 by a co-ordinate bench of this Court following Paramati's case cited supra.*

3. When this matter came up for consideration on 21.04.2026, this Court, having taken note of the above legal position, afforded an opportunity to the respondents



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to get instructions in the matter.

4.Today, Mr.Satheesh Kumar, learned Additional Government Pleader appearing for the respondents submitted that the decision rendered in Paramati's case is holding the field as on date, though the same was referred to a Larger Bench for re-consideration and unless and until the view taken in Paramati's case is reviewed, the same is binding on the State as well as the respondent authorities.

5. In the light of the fair submission made by the learned Additional Government Pleader and also taking into consideration the decision of the Hon'ble Apex Court in Paramati's case and the order dated 12.12.2025 passed by Co-ordinate Bench of this Court, this Court is unhesitant to come to a conclusion that the impugned proceedings cannot be sustained and hold that there is no justification for the third respondent to insist for pass in Teachers Eligibility Test for approving the appointment of B.T.Assistant(Social Science) in the petitioner school. Accordingly, the impugned proceeding is hereby quashed with a further direction to the third respondent to grant approval for the appointment of B.T.Assistant (Social Science) by appointing S.Emili Jesintha without insisting



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for pass in Teachers Eligibility Test and issue appropriate orders as expeditiously as possible, at any rate, within a period of six weeks from the date of receipt of a copy of this order".

7. In the light of the above, the impugned proceedings issued by the first respondent solely on the ground that the promotee is not having the qualification of pass in Teachers Eligibility Test cannot be sustained, especially, in the context of the fact that the petitioner school is a minority School. Accordingly, the impugned order is set aside and the petitioner is granted liberty to re-submit the proposal and on submission of such proposal, the respondents 1 to 3 are directed to approve the promotion without insisting for passing Teachers Eligibility Test and pass orders thereon, as expeditiously as possible, at any rate, within a period of six weeks from the date of submission of proposal by the petitioner. No costs.

04.06.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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TO

1. The District Educational Officer(Elementary Education),
Sivagangai,
Sivagangai District.

2. The Block Educational Office,
R - 2, Manamadurai,
Sivagangai District..

3. The Block Educational Office,
R - 1, Thirupavanam,
Sivagangai District.



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MUMMINENI SUDHEER KUMAR,J

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