

WP(MD). No.31008 of 2025

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04/06/2026

CORAM

THE HON'BLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

WP(MD). No.31008 of 2025
and WMP(MD)No.24208 of 2025

The Correspondent,
Lourdhu Annai Girls Higher Secondary School,
K.Pudur- 625 007
Madurai District.

... Petitioner

Vs

1. The State of Tamil Nadu
Rep. By its Secretary,
Department of School Education,
Fort St.George, Chennai-600 009.

2. The Director of School Education,
College Road, Chennai-600 009..

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

4. The District Educational Officer,
Melur, Madurai District.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDMUS, calling for the records relating to the impugned proceeding of the third respondent Chief Educational Officer in O. Mu. No. 7366/a6/2024 dated 16.08.2024 and the impugned proceeding of the



WP(MD). No.31008 of 2025

fourth respondent District Educational Officer in Na. Ka. No. 9880/A4/2024 dated --.09.2025, QUASH THE SAME, and further DIRECT the 3rd respondent Chief Educational Officer herein to approve forthwith the transfer cum promotion of Sr.S.Dhana Mary as Headmistress from 13.06.2023 to 31.05.2025 and Sr.S.Marcel Caroline as Headmistress w.e.f., 18.06.2025 onwards in the petitioner's school namely, Lourdhu Annai Higher Secondary School, K.Pudur and disburse grant-in-aid toward their salary along with arrears.

For Petitioner : Ms.A.Amala

For Respondents: Mrs.K.Porkodi

Government Pleader

ORDER

This writ petition has been filed by the Correspondent of Lourdhu Annai Girls Higher Secondary School, challenging the orders passed by the respondents 3 and 4, wherein the proposal of the Management for approval of the promotion orders issued in favour of one S.Dhana Mary as Headmistress from 13.06.2023 to 31.05.2025 and one S.Marcel Caroline as Headmistress with effect from 18.06.2025 onwards in the petitioner's school on the ground that the said candidates are not having the qualification of pass in Teachers Eligibility Test.



WP(MD). No.31008 of 2025

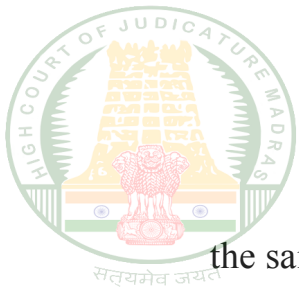
WEB COPY

2. 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.

3. Mrs.K.Porkodi, learned Government Pleader 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.

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



WP(MD). No.31008 of 2025

the said order reads as under:

WEB COPY

"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 to get instructions in the matter.

4. Today, Mr. Satheesh Kumar, learned Additional Government Pleader appearing for the respondents



WEB COPY



WP(MD). No.31008 of 2025

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 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".



WP(MD). No.31008 of 2025

WEB COPY

6. In the light of the above, the impugned proceedings issued by the respondents 3 and 4 solely on the ground that the promotees are 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 orders are set aside and the petitioner is granted liberty to re-submit the proposals and on submission of such proposals, the respondents 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. Consequently, connected miscellaneous petition is closed.

04.06.2026

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
CM



WP(MD). No.31008 of 2025

WEB COPY

To,

1. The Secretary,
Department of School Education,
Fort St.George, Chennai-600 009..
2. The Director of School Education,
College Road, Chennai-600 009..
3. The Chief Educational Officer,
Madurai, Madurai District..
4. The District Educational Officer,
Melur, Madurai District.



WEB COPY



WP(MD). No.31008 of 2025

MUMMINENI SUDHEER KUMAR,J

CM

WP(MD). No.31008 of 2025
and WMP(MD)No.24208 of 2025

Date : 04/06/2026