

S. Ramalakshmi Vs. The State of Tamil Nadu, represented by the Additional Chief Secretary, Department of School Education and Others

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Court : Chennai Madurai

Decided On : Sep-01-2016

Judge : T. Raja

Appeal No. : Writ Petition (MD)No. 16519 of 2016 & W.M.P(MD)Nos. 12049 & 12050 of 2016

Appellant : S. Ramalakshmi

Respondent : The State of Tamil Nadu, represented by the Additional Chief Secretary, Department of School Education and Others

Judgement :

(Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned G.O.Ms.No.181, School Education(C2) Department, dated 15.11.2011, on the file of the first respondent and the consequential order passed by the fourth respondent in A.Thi.Mu.Ka.No.561/AA2/16, dated 12.8.2016 and to quash the both insofar as the Petitioner is concerned and directing the respondents to approve the appointment of the Petitioner as Secondary Grade Teacher in the fifth respondent school from 1.7.2016.)

1. Mr.Mohammed Mohideen, learned Additional Government Pleader, takes notice for the respondents and by consent, the Writ Petition is taken up for final disposal at the stage of admission itself.

2. The Petitioner herein was appointed as Secondary Grade Teacher on 01.07.2016 in Jonny Middle School, Kumbikulam, Tirunelveli District, against the vacancy caused by promotion given to one Mrs.Selvarani as Headmistress on 1.6.2016 from the post of Secondary Grade Teacher in the same school. Consequently, the fifth respondent/School sent a Proposal to the fourth respondent/Assistant Elementary Educational Officer, Radhapuram, Tirunelveli District, to be forwarded to the third respondent, but, the fourth respondent returned the Proposal raising a question as to whether the Petitioner has passed the Teacher Eligibility Test(TET).

3. Learned counsel for the Petitioner would submit that the fifth respondent/school being a Aided Minority Educational Institution, Therefore is exempted from the application of G.O.Ms.181, School Education(C2) Department, dated 15.11.2011, which provides that, for appointment as Teacher, one should have passed the TET. Learned counsel by drawing the notice of this Court to a recent judgement dated 24.8.2016 evident by a Division Bench of this Court in W.A.Nos.213 and 572 of 2012 and submitted that this Court has already taken a view that Go.Ms.No.181, as referred to above does not apply to the Minority Educational Institutions, like RTI Act, 2009 which also cannot be made applicable to the Minority Educational Institutions as per the judgment in Pramati Educational and Cultural Trust. Thus, when G.O.Ms.181, School Education(C2) Department, dated 15.11.2011 issued by the State Government has been set aside by this Court, by clearly holding that the same has no relevance in respect of Minority Educational Institutions, the case of the Petitioner deserves acceptance.

4. In the light of the aforesaid judgement of the Division Bench, this Court is inclined to grant the prayer sought for. Consequently, the order impugned herein is set aside and the Writ Petition stands allowed. The proposal sent by the fifth respondent to the third respondent is directed to be considered, granting approval, as per the staff fixation order. The said exercise shall be done within a period of

six weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petitions are closed. No costs.

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