

ITEM NO.13

COURT NO.15

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 2691/2022

[Arising out of impugned final judgment and order dated 26-09-2019 in WAMD No. 859/2019 passed by the High Court of Judicature at Madras at Madurai]

THE DIRECTOR OF SCHOOL EDUCATION CHENNAI 6 & ANR. Petitioner(s)

VERSUS

B. ANNIE PACKIARANI BAI & ANR.

Respondent(s)

(WITH IA No. 102229/2021 - EXEMPTION FROM FILING O.T. AND IA No. 115825/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES

WITH

SLP(C) No. 29013/2018 (IX)

(WITH IA No. 145913/2018 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 145915/2018 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 4423/2022 (XII)

(WITH IA No. 10953/2022 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 20295/2022 (XII)

(WITH IA No. 25314/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 21178/2023 (XII)

(WITH IA No. 254214/2023 - APPROPRIATE ORDERS/DIRECTIONS, IA No. 193940/2023 - EXEMPTION FROM FILING O.T., IA No. 259413/2023 - INTERVENTION/IMPLEADMENT AND IA No. 254213/2023 - INTERVENTION/IMPLEADMENT)

SLP(C) No. 26291/2023 (XII)

(IA No. 235813/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT AND IA No. 259424/2023 - INTERVENTION/IMPLEADMENT)

SLP(C) No. 26292-26293/2023 (XII)

(WITH IA No. 232031/2023 - EXEMPTION FROM FILING O.T. AND IA No. 22723/2024 - INTERVENTION/IMPLEADMENT)

SLP(C) No. 28442/2023 (XII)

(WITH IA No. 248654/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 27931/2023 (XII)
(WITH IA No. 235399/2023 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)

SLP(C) No. 27930/2023 (XII)
(WITH IA No. 246329/2023 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)

SLP(C) No. 26290/2023 (XII)
(WITH IA No. 235668/2023 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)

SLP(C) No. 26297/2023 (XII)
(WITH IA No. 238420/2023 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)

Diary No(s). 45391/2023 (XII)
(FOR ADMISSION and I.R. and IA No.259710/2023-CONDONATION OF DELAY
IN REFILING/CURING THE DEFECTS)

SLP(C) No. 26299/2023 (XII)
(WITH IA No. 236190/2023 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)

SLP(C) No. 26301/2023 (XII)
(WITH IA No. 236099/2023 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT)

SLP(C) No. 26286/2023 (XII)
IA No. 232138/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT

SLP(C) No. 29014/2018 (IX)
(WITH IA No. 151416/2018 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT AND IA No. 151417/2018 - EXEMPTION FROM FILING
O.T.)

Diary No(s). 5731/2023 (XII)
(WITH IA No. 46683/2023 - CONDONATION OF DELAY IN FILING AND
IA No. 46687/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED
JUDGMENT)

Diary No(s). 9167/2023 (XII)
(WITH IA No. 165949/2023 - CONDONATION OF DELAY IN FILING, IA No.
165952/2023 - CONDONATION OF DELAY IN REFILING / CURING THE
DEFECTS, IA No. 165950/2023 - EXEMPTION FROM FILING C/C OF THE
IMPUGNED JUDGMENT AND IA No. 165951/2023 - EXEMPTION FROM FILING
O.T.)

SLP(C) No. 28433/2023 (XII)
(WITH IA No. 199031/2023 - EXEMPTION FROM FILING O.T.)

SLP(C) No. 26289/2023 (XII)

(WITH IA No. 234638/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 26300/2023 (XII)
(WITH IA No. 236092/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 26288/2023 (XII)
(WITH IA No. 233330/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

SLP(C) No. 26287/2023 (XII)
(WITH IA No. 233642/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Diary No(s). 52482/2023 (XII)
(WITH IA No. 27723/2024 - CONDONATION OF DELAY IN FILING,
IA No. 27724/2024 - CONDONATION OF DELAY IN REFILING / CURING THE DEFECTS, IA No. 27725/2024 - EXEMPTION FROM FILING O.T., AND
IA No. 27722/2024 - PERMISSION TO FILE PETITION (SLP/TP/WP/..))

SLP(C) No. 13094-13097/2019 (IX)
(WITH IA No. 154483/2023 - EXEMPTION FROM APPOINTMENT OF OFFICIAL TRANSLATOR, IA No. 83771/2019 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 83772/2019 - EXEMPTION FROM FILING O.T. AND IA No. 154482/2023 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 28-01-2025 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE DIPANKAR DATTA
HON'BLE MR. JUSTICE MANMOHAN

For Petitioner(s) Mr. Amol Chitale, Adv.
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For Respondent(s) : Ms. Neelam Singh, AOR

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Mr. Selvaraj Mahendran, Adv.
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Ms. Deepin Deepak Sahni, Adv.

Ms. Asha Gopalan Nair, AOR
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Mrs. L. Vasuki Rajaram, Adv.
Mr. R. Ramachandran, Adv.
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Mrs. Nikita Jaju, Adv.
Mrs. Pooja Kabra, Adv.
Mr. Mayank Ranjan Yadav, Adv.

**UPON hearing the counsel the Court made the following
O R D E R**

1. While issuing notice in SLP (C) No. 2691 of 2022 on 14th February, 2022, a coordinate Bench of this Court formulated the following question for decision:

“1. The important question of law which is raised in the present SLP is whether the Department can insist for TET examination passed in case of Teacher of a minority institution and whether providing such a qualification would effect any of the rights of the minority institution guaranteed under the Constitution of India?”

2. One other seminal question of importance that arises for decision on this bunch of special leave petitions is, whether teachers appointed much prior to

issuance of the Notification dated 29th July, 2011 and having years of teaching experience (say, 25 to 30 years) are required to succeed in the Teachers' Eligibility Test for being considered qualified for promotion.

3. Leave granted.

4. List the appeals on 6th February, 2025 (top of the Board), to be called at 10.30 a.m.

5. Since there are multiple parties having individual grievances, the order in which the arguments are to be advanced by learned senior counsel/learned counsel representing them would be as follows:

(i) State of Tamil Nadu and other States as well as Article 12 authorities, if any;

(ii) Teachers aspiring for promotion not having TET qualification;

(iii) Minority institutions who are not in favour of application of the Right to Education Act, 2009 to institutions established and administered by them, followed by those who are in favour of such application.

(iv) All TET qualified teachers who want to march ahead of the non-TET qualified teachers.

6. Notice of the appeals may be served in the office of the learned Attorney General for India informing him that we wish to be addressed by him and to be extended due assistance in the matters (the question of interpretation of a Central Act is involved) after the arguments, in terms of the sequence mentioned in the preceding paragraph, are over.

(JATINDER KAUR)
P.S. to REGISTRAR

(SUDHIR KUMAR SHARMA)
COURT MASTER (NSH)