

## **The Indian Express**

### **Madras High Court: No TET required for teachers of minority institutions**

The Madras High Court has ruled that the order of the governments of Tamil Nadu and Puducherry making it mandatory for aspirants to clear Teachers Eligibility Test (TET) before appointment will not be applicable to minority institutions, either aided or unaided.

A division bench of Justices Huluvadi G Ramesh and M V Muralidaran referred to Article 30 of the Constitution which confers right to religious minorities to establish and administer educational institutions.

Also, the Supreme Court's decision in Pramati Educational and Cultural Trust case that kept minority institutions outside the purview of RTE Act was cited by the bench in support of its decision.

“We have no hesitation in holding that the right conferred under Article 30(1) of the Constitution cannot be abrogated,” the court ruled, adding as a consequence, the Government Orders (GOs) of both Tamil Nadu and Puducherry which make passing TET mandatory for candidates cannot be applicable to the minority institutions.

“In the light of the above, we are of the view that the government cannot insist on the minority institutions, both aided and unaided, to abide by any regulation framed under the provisions of the RTE Act.”

The ruling came on writ appeals filed by the two governments and over 300 writ petitions challenging the GOs making passing TET mandatory for teachers' appointment in schools.

Senior counsel for schools said that when the Tamil Nadu Recognised Private Schools (Regulation) Act, 1973 was still in force, it cannot be supplanted by an executive order.

The respondents in the appeals are working as teachers in the minority schools who were appointed against sanctioned posts. When the minority schools sought approval of such appointments, the authorities rejected their proposal on the ground that the teachers had not cleared the TET.