

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30462/2015 & MP.No.1/2015

N.Mohan

.. Petitioner

Versus

1. The Director
Teacher Education Research & Training
Chennai.
2. The District Elementary Education Officer
[Incharge], Salem District.
3. The Primary Education Officer
Salem District.
4. The Director
Teacher Recruitment Board,
Chennai 600 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus calling for the records of the 2nd respondent in Na.Ka.No.5119/A2/2014 dated 31.08.2015 and quash the same and consequently, to direct the respondents herein to appoint him as Secondary Grade Teacher in Salem District, or in any other place.

For Petitioner : Mr.G.Surya Narayanan

For Respondents : Mr.V.Subbiah,
Special Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2. The petitioner has passed Diploma in Education and was also issued with a Certificate to that effect by the Karnataka Secondary Education Examination Board. The 3rd respondent has called for Certificate verification of the petitioner, vide proceedings dated 20.02.2008 for filling up of Secondary Grade Teacher [Primary Education] on 26.02.2008 and accordingly, the petitioner submitted his certificate. Thereafter, the petitioner's certificate was also evaluated and vide proceedings of the Director of Teacher Education, Research and Training, Chennai-6. It has been certified as equivalent to the Secondary Grade Teacher Training Certificate issued by the

Government of Tamil Nadu. The petitioner has also passed the Teacher Eligibility Test conducted by the Teacher Recruitment Board and secured 107 out of 150 marks and declared as "passed". Since the petitioner has not been appointed as Secondary Grade Teacher, he filed WP.No.23894/2014 and this Court, vide order dated 14.10.2014, has directed the 3rd respondent, viz., the Primary Educational Officer, Salem District, to pass appropriate orders on the pending representation of the petitioner dated 20.02.2008 in accordance with law. Accordingly, the 3rd respondent has passed the impugned order stating the reason that it is for the Teacher Recruitment Board to take appropriate action. Challenging the legality of the order, the present writ petition has been filed by the petitioner.

3. Learned counsel for the petitioner would submit that though the Certificate was evaluated and found to be equivalent to that of the Secondary Grade Teacher Training Certificate issued by the Government of Tamil Nadu and further that the petitioner has passed the Teacher Eligibility Test and fulfilled all necessary criteria for appointment as Secondary Grade Teacher, still no orders have been passed and therefore, he is constrained to file this writ petition.

4. Heard the submissions of Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents.

5. It is an undisputed fact that the certificate issued by the Karnataka Secondary Education Examination has been evaluated and the petitioner was also issued with an equivalent certificate stating that it is equivalent to the Secondary Grade Teacher Training Certificate of the State of Tamil Nadu. The petitioner has also passed the Teacher Eligibility Test. In the light of the above facts and circumstances, there may not be any impediment on the part of the Teacher Recruitment Board/the 3rd respondent herein to consider the claim of the petitioner for appointment to the said post of Secondary Grade Teacher subject to the fulfillment of other relevant norms and regulations.

6. In the light of the above, the writ petition is partly allowed and the impugned order in Na.Ka.No.5119/A2/2014 dated 31.08.2015 passed by the 2nd respondent is set aside and the 3rd respondent herein, viz., the Teacher Recruitment Board, is directed to consider the petitioner's claim on merits and in accordance with law in the light of the observation made in this writ petition and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. No costs. Consequently, the connected miscellaneous petition is closed.

AP

Sd/-
Assistant Registrar (Judicial)

/True Copy/

To

1. The Director
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Chennai.
2. The District Elementary Education Officer
[Incharge], Salem District.
3. The Primary Education Officer
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4. The Director
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+1 C.C. To MR.G.Suryanarayanan, Advocate in SR.NO.52484

+1 C.C. To Government Pleader in SR.NO.52942

W.P.No.30462/2015

KGK (CO)
sd : 15/10/2015



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