

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.04.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.4642 of 2015 and
M.P.No.1 of 2015

A.Valarmathi

...Petitioner

vs.

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Education,
Fort St.George, Chennai -9.
 - 2.The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Salai,
DPI Compound, College Road, Chennai - 600 006.
 - 3.The Chief Educational Officer,
CEO Office, Namakkal, Namakkal District.
- ... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, forbearing the first and second respondents from insisting the petitioner to produce the Teacher Eligibility Certificate for an appointment of Secondary Grade Teacher as the petitioner has completed the selection process even before the first eligibility test conducted by the 2nd respondent on 12.07.2012 and consequently direct respondents 1 and 2 to consider the petitioner for appointment as Secondary Grade Teacher based on G.O.Ms.No.153 School Education Department dated 03.06.2010 and the advertisement No.2/2011 dated 09.11.2011 followed by certificate verification conducted on 04.12.2011.

For Petitioner : Mr.D.Muthukumar

For Respondents: Mr.S.Gunasekaran

Government Advocate

O R D E R

The petitioner has come up with this writ petition forbearing respondents 1 and 2 from insisting the petitioner to produce the Teacher Eligibility Certificate (for short 'TET') for appointment to the post of Secondary Grade Teacher and for a consequential direction to appointment her as Secondary Grade Teacher, based on G.O.Ms.No.153 School Education Department, dated 03.06.2010.

2. Pursuant to Article 21-A of the Constitution, the Parliament enacted Right to Education Act (for short 'RTE Act'). Section 23 of the RTE Act makes it compulsory for a person, who seeks appointment to the schools covered under the RTE Act, to possess minimum qualification as laid down by the academic authority. The academic authority, namely NCTE issued notification dated 23.08.2010 in terms of Section 23(1) of the RTE Act prescribing TET as one of the minimum qualifications for appointment of teachers.

3. Admittedly, the petitioner has not qualified in TET. Hence, the prayer sought for by the petitioner cannot be granted. The writ petition fails and accordingly, the same is dismissed. No costs. Connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary to Education,
Government of Tamil Nadu,
Fort St.George, Chennai -9.
- 2.The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Salai,
DPI Compound, College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
CEO Office,
Namakkal, Namakkal District.

+ 1 cc to Mr.D.Muthukumar, Advocate SR.20290
+ 1 cc to Government Pleader Sr.20186

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AK(CO)
Eu 06.05.15