

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2016

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THE HONOURABLE MR. JUSTICE N.KIRUBAKARAN

Review Application (Writ) No.154 of 2016

and

W.M.P.No.33551 of 2016

M.Maduram

... Petitioner

Versus

1. The State of Tamil Nadu
Rep. by its Secretary to Government
Department of School Education
Fort St. George
Chennai - 600 009.
2. The Director
O/o. The Director of School Education
College Road,
Chennai - 600 006.
3. The Chief Educational Officer,
District Educational Office
Erode, Erode District.
4. The Secretary
Teachers Recruitment Board
EVK Sampath Maaligai
DPI Compound, College Road,
Chennai - 600 006.
5. The District Educational Officer
District Educational Office
Erode, Erode District.
6. The Correspondent
CSI Higher Secondary School for Girls
Erode - 638 001.

... Respondents

Review Application filed under Order 47 Rule 1 r/w. Section 114 of Civil

Procedure Code, praying to review the order dated 13.11.2013 passed in W.P.No.30574 of 2013.

For Petitioner : Mr.P.Ganesan
For Respondents : Mr.T.M.Pappiah,
Special Govt. Pleader

ORDER

The Review Application has been filed to review the order passed by this Court on 13.11.2013 in W.P.No.30574 of 2013, by which, the order of rejection passed by the respondent was upheld.

2. The petitioner was appointed as B.T.Assistant on 23.01.2012 in the sixth respondent Government Aided Minority Institution and approval petition was forwarded to the fifth respondent. On 12.12.2012, permission was given by the sixth respondent to attend the JRC Counsellors' Training Programme. However, approval sought for the petitioner's appointment was rejected by the fifth respondent on 26.09.2013. Challenging the said rejection, the writ petition was filed stating that Teachers Eligibility Test is not applicable to Minority Institutions. However, this Court, by an order dated 13.11.2013, rejected the contention of the petitioner and held that after the Right to Free and Compulsory Education for Children Act had come into force in 2010 and after passing of G.O.Ms.No.181, School Education, dated 15.11.2011, a pass in the Teachers Eligibility Test is mandatory and therefore, concluded that the approval of the petitioner's appointment was rightly rejected.

3. The petitioner is not a Clerk or a Non-Teaching Staff, but, she is a Teacher, who should be qualified to teach the students. Whether it is a Minority School or otherwise, a pass in the Teachers Eligibility Test has been made mandatory by the very Act itself and therefore, bypassing the Act, the petitioner cannot get approval of appointment. There is no ground made out to review the order passed by this Court. Therefore, the review application is dismissed. Consequently, connected miscellaneous petition is closed.

20.10.2016

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To

1. The Secretary to Government,
Department of School Education,
Fort St. George, Chennai - 600 009.
2. The Director,
O/o. The Director of School Education,
College Road, Chennai - 600 006.
3. The Chief Educational Officer,
District Educational Office,
Erode, Erode District.
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N.KIRUBAKARAN, J.

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