

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7619 of 2014

and

M.P.No.1 of 2014

T.Anbalagan

.. Petitioner

Vs.

1.The chairman

The Teacher Recruitment Board,
4th Floor, E.V.K. Sampath Building,
College Road,
Chennai-600 006.

2.The Member Secretary,

The Teacher Recruitment Board,
4th Floor, E.V.K. Sampath Building,
College Road,
Chennai-600 006.

3.The Director of School Education,

DPI Campus,
College Road,
Chennai-600 006.

.. Respondents

Prayer; Writ Petitions have filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to select and appoint the petitioner to the post of Secondary Grade Assistant based on the certificate Verification held on 31.05.2009, conducted by teachers Recruitment Board in respect of selection to the post of Secondary Grade Assistant, 2007-2008 and 2008-2009 without insisting passing of Teacher Eligibility Test(TET) in compliance to the orders passed in R.A.No.139 of 2012 in W.A.No.2121 of 2012 dated 09.07.2013 with consequential and attendant benefits, within a time frame to be fixed by this Court.

For Petitioner : Mrs.A.Nagarathinam

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

The relief sought for in this writ petition is to direct the respondents to select and appoint the petitioner to the post of Secondary Grade Assistant based on the Certificate Verification held on 31.05.2009, conducted by Teachers Recruitment Board in respect of selection to the post of Secondary Grade Assistant, 2007-2008 and 2008-2009, without insisting passing of Teacher Eligibility Test (TET) in compliance to the orders passed in R.A.No.139 of 2012 in W.A.No.2121 of 2012 dated 09.07.2013.

2.The factual matrix required to be considered in this writ petition is that the writ petitioner had participated in the process of selection on 31.05.2009. The learned counsel appearing for the writ petitioner states that the process of certificate verification was completed in respect of the writ petitioner on 31.05.2009. However, no order of appointment was issued.

3.The learned Additional Government Pleader brought to the notice of this Court that the procedure for selection to the post of Secondary Grade Assistant had under went changes and now the appointments are made only through open competitive process by issuing notifications. In the case on hand, the writ petitioner had participated in the certificate verification and no order of appointment was issued. Thus, the writ petitioner has no right to seek any appointment without even passing the Teacher Eligibility Test (TET).

4.As of now, it is a National Educational policy that the Teachers Eligibility Test is the requisite qualification for appointment to the post of teachers. There cannot be any exemptions and the Government has granted time for passing of the Teachers Eligibility Test (TET) by the respective candidates, who were appointed as teachers.

5.Thus, this court is of the opinion that exemption can never be claimed as a matter of right and the Government has granted extension of time for passing the Teacher Eligibility Test (TET). In this view of the matter, the case of the writ petitioner deserves no further consideration. Appointment can never be claimed as a matter of right. The candidates who have selected in accordance with the recruitment rules and appointed alone will claim a right. If there is any illegality or irregularity in the process of selection, then the Court can consider for quashing of the process of selection. However, in the absence of any one of the legal grounds no appointment can

be granted. A mere participation in the process of certificate verification will not confer any right to the writ petitioner to claim an order of appointment. Thus, this Court is of the view that the writ petitioner has failed to establish even a Semblance of Right for considering the relief as such sought for in this writ petition.

6.Thus, the writ petition is devoid of merits and accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

stm/ah

To

- 1.The chairman
The Teacher Recruitment Board,
4th Floor, E.V.K. Sampath Building,
College Road, Chennai.
- 2.The Member Secretary,
The Teacher Recruitment Board,
4th Floor, E.V.K. Sampath Building,
College Road, Chennai-600 006.
- 3.The Director of School Education,
DPI Campus,
College Road, Chennai-600 006.

+1cc to Government Pleader SR.No.91445

+1cc to Mr.G.Pugazhenthii, Advocate SR.No.90465

sm:22.1.2018

W.P.No.7619 of 2014