

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 32238 of 2013
& M.P.No.1 of 2013

B.Sumathi

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
School Education Department,
Fort. St. George, Chennai -9.
 2. The Chairman, Teachers Recruitment Board,
DPI Compound, College Road, Chennai -6.
 3. The Director of School Education,
College Road, Nungambakkam, Chennai -6.
 4. The Director of Elementary Education,
College Road, Nungambakkam, Chennai -6.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to appoint to the post of Secondary Grade Teacher on the basis of the certificate verification without insisting for the appearance in the TET Examination.

For Petitioner : Mrs.G.Rajan

For Respondents : Mrs.P.Rajalakshmi, GA

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O R D E R

The petitioner has filed this Writ Petition praying to direct the respondents to appoint the petitioner to the post of Secondary Grade Teacher, on the basis of the certificate verification, without insisting for the appearance in the TET Examination.

2. The learned counsel for the petitioner has

submitted that she belongs to Backward Class Community and she got registered in the employment exchange on 05.04.2004, after completing Diploma in Teacher Training course. The petitioner was called by the teacher recruitment board for certificate verification in the year 2008-09. The petitioner attended the certificate verification process, but she was not selected for the post of Secondary Grade Teacher. Hence, the petitioner has filed this Writ Petition with the above said prayer.

3. The learned counsel for the petitioner submitted that the petitioner came to know that the Government of Tamil Nadu, in G.O.Ms.No.181, School Education (C2), Department, dated 15.11.2011, have taken a policy decision, by prescribing teachers eligibility test (TET) as an eligibility criteria for appointment to the post of the secondary grade teachers. Candidates similarly placed like the petitioner challenged the said G.O., in a batch of Writ Petitions in W.P.No.18793 of 2012 etc. The Writ Petition was dismissed by order dated 01.03.2012. Challenging the same, the petitioners preferred Writ Appeal in W.A.No.1201 of 2012. The Division Bench by judgment dated 13.07.2012, dismissed the appeal against which the appellants preferred Review Application No.139 of 2012 and the Division bench which heard the Review Application, disposed the same by order dated 09.07.2013, directing the respondent to accommodate those Review Petitioners / Petitioners in future vacancies without insisting them to appear for TET. Hence, the petitioner submitted that this Writ Petition is also covered by the order passed in the aforesaid R.A.No.139/2013.

4. The learned Government Advocate appearing for the respondents submitted that the candidates similarly placed like petitioners have filed the Writ Petitions challenging the G.O.Ms.No.181, School Education (C2), Department, dated 15.11.2011, insisting on passing of the Teacher Eligibility Test (TET) as a minimum qualification for appointment to the post of Graduate Assistants in Schools, under the jurisdiction of Directorate of School Education and Elementary Education. The Petitioners who have completed certificate verification process for the said posts, based on their employment exchange seniority, seeks for a consequential direction to the Respondents to select the petitioners to the said posts. Against the order passed by the Division Bench of this Court in Review Application No.139 of 2012, the Government of Tamil Nadu have preferred appeal before the Hon'ble Supreme Court in Civil Appeal Nos.9204-05/2014. The Appeals were allowed by order dated 23.09.2014, and hence the order passed by this Court in the Review Petitions were set aside and two of the Writ Petitions have been remitted to this Court with a direction that the matter shall be adjudicated by the Division Bench based on the backdrop of the issues formulated by the Hon'ble Supreme Court.

5. Based on the direction of the Hon'ble Supreme Court, by an order of this Court dated 03.11.2015, in WP.No.4827 of 2012 and Writ Appeal No.1926 of 2013 etc. batch of cases, dismissed the Writ Petition and Writ Appeals.

6. In the light of the above said dismissal of WP.No.4827 of 2012 and Writ Appeal No.1926 of 2013 etc. batch of cases, this Writ Petition fails. Accordingly, the Writ Petition is dismissed. No costs.

sd/
Assistant Registrar(CS III)

/true copy/

Sub Assistant Registrar

pvs

To

1. The Principal Secretary to Government
The State of Tamil Nadu,
School Education Department,
Fort. St. George, Chennai -9.
2. The Chairman, Teachers Recruitment Board,
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College Road, Nungambakkam, Chennai -6.
4. The Director of Elementary Education,
College Road, Nungambakkam, Chennai -6.

+1cc to Mr.G.Rajan, Advocate SR.No.3937
+1cc to Government Pleader SR.No.4095

सत्यमेव जयते

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MSM(CO)
GN(03/03/2017)

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