

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 15.02.2017

CORAM

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

W.P. No.26378 of 2013

E.Ezhilarasi

.. Petitioner

Vs

1. The State of Tamil Nadu
rep. By its Secretary to Government
School Education Department
Fort St.George,
Chennai 600 009.

2. The Chairman,
Teachers Recruitment Board,
4th floor, EVK Sampath Buildings,
College Road,
Chennai 600 006.

3. The Director of School Education,
DPI Campus,
College Road,
Chennai 600 006.

4. The Director of Elementary Education
College Road, Chennai 6

.. Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus or any other appropriate writ, order or direction, forbearing the respondents from applying G.O.Ms.No.181, School Education Department dated 15.11.2011 and insisting on a pass in Teacher's Eligibility Test as the minimum qualification for appointment to the post of Graduate Assistant (Mathematics) in classes VI to X in the schools coming under the Directorate of School Education and Elementary Education in respect of the petitioner.

For Petitioner : Mr.R.Saravana Kumar

For Respondents : Mr.S.Navaneetham, AGP

ORDER

The prayer in the writ petition is to issue a writ of mandamus or any other appropriate writ, order or direction, forbearing the respondents from applying G.O.Ms.No.181, School Education Department dated 15.11.2011 and insisting on a pass in Teacher's Eligibility Test as the minimum qualification for appointment to the post of Graduate Assistant (Mathematics) in classes VI to X in the schools coming under the Directorate of School Education and Elementary Education in respect of the petitioner.

2. The learned counsel for the petitioner submitted that the petitioner had completed certificate verification on 13.05.2010 prior to the said Notification date viz., 23.08.2010 and is thus exempted from writing the Teachers' Eligibility Test. The petitioner was not issued posting order based on the G.O.Ms.No.181 dated 15.11.2011 which is illegal and arbitrary and the said G.O.181 is not applicable to the candidates who completed the certificate verification prior to Notification date viz., 23.08.2010. Hence this writ petition.

3. The learned Additional Government Pleader appearing for the respondents placed reliance on the orders passed by this Court in similar issue in W.P.Nos.4827 & 18793 of 2012, W.P.No.11607 of 2015, W.P.Nos.23712 & 28019 of 2014, W.A.No.1926 of 2013, W.A.SR.No.85977 of 2014 W.A.SR.No.2165 of 2015. The Hon'ble Division Bench of this Court has held in paragraph 18 of the order as follows:-

" In the result, the questions framed by the Hon'ble Supreme Court are answered as follows:-

i. The petitioners/appellants concede that there was no advertisement and the posts were notified by various Government orders, and the question is answered accordingly,

ii. The petitioners/appellants do not dispute that the posts have been filed up and there is no challenge to the select list,

iii. The petitioners/appellants concede that the selection was based on State wide seniority in the employment exchange coupled with communal rotation and not based on inter se merit.

iv. The selection being only based on employment

seniority and communal rotation, inter se merit was not the criteria for selection.

v. In the light of the discussion in the preceding paragraphs, it is held that the petitioners/appellants have no vested right much less a right in perpetuity to have the appointment”.

4. In view, of the aforesaid order rendered by this Court in the writ petitions and writ appeal, writ petition fails and accordingly the present writ petition is dismissed. Consequently connected miscellaneous petition is also closed. No costs.

dpq

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Assistant Registrar

//True copy//

Sub Assistant Registrar

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Government of Tamil Nadu
School Education Department,
Fort St. George, Chennai 600 009.

2. The Chairman,
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4th floor, EVK Sampath Buildings,
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C.C. to MR.R.Saravanakumar Advocate SR.NO.10343

C.C. to The Government Pleader, High Court, Chennai-104
SR.NO.10253

W.P. No.26378 of 2013

ACA (CO)

VS 22.03.2017