



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

W.P (MD) No.13662 of 2014

and

MP (MD) No.1 of 2014

A.Anusuya

... Petitioner

-vs-

1. State of Tamilnadu

Rep. by its Secretary to Government
School Education (TRB) Department
Secretariat, Chennai.

2. The Chairman

Tamilnadu Teachers Recruitment Board,
Chennai 600 006.

3. The Director of School Education
Chennai.

4. The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District

5. The Secretary,
Muruga Primary School
Pudukudi, Kadayanallur Range,
Tirunelveli District

... Respondents

Prayer: Writ Petitions filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order vide G.O.Ms.No.25 School Education (TRB) Department, dated 06.02.2014 issued by the 1st respondent and quash the same insofar as it denies the relaxation of 5% to the candidates who appeared in the Teacher Eligibility Test conducted by the 2nd respondent in 2012 is concerned, and consequently direct the respondents to extend the benefit of 5% relaxation to the petitioner and issue Teacher Eligibility Test Certificate and direct the 4th respondent herein to approve the petitioner's appointment as Secondary Grade Teacher in the 5th respondent's School w.e.f. 1.06.2012 with all attendant benefits including the arrears of salary and allowance.

For Petitioner

: Mr.T.Pon Ramkumar

For Respondents

: Mr.VR.Shanmuganathan for R1 & R2

Spl. Government Pleader

Mr.D.Muruganandham for R3 & R4

Addl. Government Pleader

**ORDER**

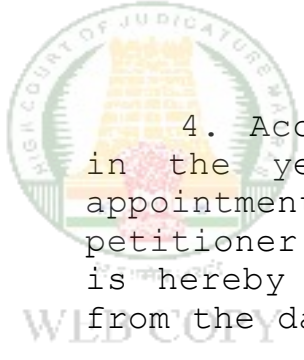
The petitioner was appointed as a Secondary Grade Teacher in a vacancy that occurred on 24.12.2008 on account of retirement of one Mr.A.Kumaresa in the 5th respondent school. The 5th respondent School sought for prior permission from the 4th respondent and in turn, the 4th respondent also by proceeding dated 20.04.2012 has granted permission stating that the appointing candidate has to pass the TET within 5 years from the date of appointment. Only pursuant to the prior permission, the 5th respondent issued Advertisement and invited eligible candidate for the said post and subsequently conducted the interview and found the petitioner as a suitable meritorious and eligible candidate and finally the School Committee passed a resolution appointing the petitioner as a Secondary Grade Teacher from 01.06.2012 on condition that she has to pass the Teacher Eligibility Test within five years from the date of her appointment. Now, the petitioner has also passed the TET examination securing 89% in the year 2017. Therefore, a claim has been made by the petitioner to extend the benefit of 25% relaxation to the petitioner and issue Teacher Eligibility Test Certificate and direct the 4th respondent herein to approve the petitioner's appointment as Secondary Grade Teacher in the 5th respondent's School w.e.f. 1.06.2012 with all attendant benefits including the arrears of salary and allowance.

2. In the judgment of the Division Bench of this Court reported in CDJ 2017 MHC 962, in paragraph 42(1), it has been held as follows:

"42. Accordingly to meet the ends of justice, the writ appeals and the writ petitions are disposed with the following directions:

(i) The Teachers herein, who have been appointed subsequent to the issuance to the Government Order, are granted one opportunity to appear for the Teacher Eligibility Test to be conducted by the Teachers Recruitment Board and in the event of their passing in the Teacher Eligibility Test, their appointments shall be approved else, they have no other option but to quit the service/ousted from service."

3. A perusal of Paragraph No.42(1) shows that Teachers, who have been appointed subsequent to the issuance of the Government Order ie., G.O.Ms.No.181 dated 15.11.2011 are granted one opportunity to appear for the Teacher Eligibility Test conducted by the Teacher Recruitment Board and in the event of passing the test, their appointment shall be approved.



4. Accordingly, when the petitioner passed the TET conducted in the year 2017, ie., within five years from the date of appointment, it goes without saying the appointment of the petitioner deserves to be approved. Accordingly, the 4th respondent is hereby directed to approve the appointment of the petitioner from the date of appointment.

5. However, the writ petition is dismissed, as far as the prayer challenging the validity of G.O.Ms.No.25 School Education (TRB) Department dated 06.02.2014 is concerned, since the Division Bench has upheld the validity of the G.O.Ms.No.25, and subsequently, the Apex Court has affirmed the decision of the Division Bench. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(Records)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government
School Education (TRB) Department
Secretariat, Chennai.
2. The Chairman
Tamilnadu Teachers Recruitment Board,
Chennai.
3. The Director of School Education
Chennai.
4. The District Elementary Educational Officer,
Tirunelveli, Tirunelveli District.

+1cc to Mr.T.Pon Ramkumar, Advocate Sr.No.70293

+1cc to Spl.Government Pleader Sr.No.70969

RR

VB/KK/SAR2/24.08.2017/3P/7C

W.P (MD) No.13662 of 2014
03.08.2017