



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.03.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD).No.1889 of 2014

V.Periyasamy

...Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
School Education Department,
St.George Fort,
Chennai-9.

2.The Director,
Department of School Education,
DPI Compound,
Chennai.

3.The Chairman,
Tamil Nadu Teachers Recruitment Board,
E.V.K. Sampath Maligai,
DPI Compound,
Chennai.

4.The District Employment Officer,
Madurai District,
Madurai.

...Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus direction in the nature of a writ to direct the respondents herein to appoint the petitioner as Secondary grade teacher in pursuant to the call letter issued by the 3rd respondent in his proceedings in Memo No.5015/24/2008, dated 14.05.2009 without reference to the Teacher Eligibility Test (TET) in conformity with the decision rendered by the Division Bench of this Court vide it's order dated 09.07.2013 made in Rev. Application No.139 of 2012 & W.A.No.2121 of 2012 with in the period that may be stipulated by this Court.

For Petitioner

:Mr.R.Maheswaran

For Respondents

:Mr.N.S.Karthikeyan

Additional Government Pleader



O R D E R

This Writ Petition has been filed by the petitioner for issuance of a Writ of Mandamus directing the respondents herein to appoint the petitioner as Secondary grade teacher pursuant to the call letter issued by the 3rd respondent in his proceedings dated 14.05.2009.

2. Heard, the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

3. The petitioner submits that he was called for the Certificate Verification vide letter dated 14.05.2009 much earlier to the NCTE notification dated 23.08.2010, and that therefore, the requirements of under going Teachers Eligibility Test, is not required in the case of the petitioner. It is submitted that the petitioner is eligible to be appointed without reference to the Teachers Eligibility Test and hence, it stated that, he has filed the present Writ Petition.

4. The learned Additional Government Pleader submits that the petitioner's case is solely based on the judgment of the Honourable Division Bench of this Court dated 09.07.2013, in Review Application No.139 of 2012, and Writ Appeal No.2121 of 2012. The learned Additional Government Pleader would submit that as against the judgment of the Honourable Division Bench of this Court, the Government took the matter in appeal before the Honourable Supreme Court. The Honourable Supreme Court has remitted the matter back to this Court again and the Honourable Division Bench of this Court vide judgment dated 03.11.2015, has categorically held that merely because the recruitment process commenced prior to 23.08.2010, a person is not entitled to get appointment as teacher, unless he was qualified in Teachers Eligibility Test. Hence, following the judgment of the Honourable Division Bench of this Court, this court is of the view that the petitioner is not entitled to get any relief in the Writ Petition.

5. In the result the Writ petition is dismissed. No costs.

SD/-

ASSISTANT REGISTRAR(CO)

/TRUE COPY/

SUB ASSISTANT REGISTRAR



To

1.The Secretary,
Tamil Nadu Government,
School Education Department,
St.George Fort,
Chennai-9.

2.The Director,
Department of School Education,
DPI Compound,
Chennai.

3.The Chairman,
Tamil Nadu Teachers Recruitment Board,
E.V.K. Sampath Maligai,
DPI Compound,
Chennai.

4.The District Employment Officer,
Madurai District,
Madurai.

Cmr/gsp

MAS/SV-MMS/SAR3:19.04.2017:3P-5C

W.P. (MD) .No.1889 of 2014
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