

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED : 05.12.2017****C O R A M**

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD) Nos.1939 to 1945 of 2014

V.Arockia Mary	...Petitioner	in W.P. (MD) No.1939 of 2014
S.Antony Arulsamy	...Petitioner	in W.P. (MD) No.1940 of 2014
C.Sasikala	...Petitioner	in W.P. (MD) No.1941 of 2014
B.Angurajan	...Petitioner	in W.P. (MD) No.1942 of 2014
A.Sundareswaran	...Petitioner	in W.P. (MD) No.1943 of 2014
S.Selvam	...Petitioner	in W.P. (MD) No.1944 of 2014
M.Santhi	...Petitioner	in W.P. (MD) No.1945 of 2014

Vs.

1. The State of Tamilnadu
Represented 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,
Tamilnadu Teachers Recruitment Board,
E.V.K.SampathMaligai,
DPI Compound,
Chennai.
4. The District Employment Officer,
Ramanathapuram District.
Ramanathapuram. ...Respondents in all Writ Petitions

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents herein to appoint the petitioner as Secondary grade



teacher pursuant to the call letter issued by the 3rd respondent in his proceedings in Memo No.5015/A4/2008 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 Review Application No.139 of 2012 and W.A.No.2121 of 2012 within the period that may be stipulated by this Court.

For Petitioner : Mr.G.Prabhu Rajadurai

For R-1 to R-3 : Mr.V.R.Shanmuganathan
Special Government Pleader

For R-4 : No Appearance

COMMON ORDER

These Writ petitions have been filed by the petitioners to direct the respondents to appoint the petitioners as Secondary Grade Teachers in pursuance of the call letters dated 14.05.2009 issued by the 3rd respondent without reference to the Teacher Eligibility Test (TET) in view of the decision rendered by the Division Bench of this Court vide order dated 09.07.2013 made in Review Application No.139 of 2012 and W.A.No.2121 of 2012.

2.The learned counsel for the petitioners submitted that after completing school education, the petitioners passed the Diploma Course in Teacher Education and thereby, they were fully qualified to be appointed as Secondary Grade Teacher.

3.In the year 2009, the third respondent for appointing Secondary Grade Teachers, have scrutinized the list of candidates, which were sponsored by the fourth respondent. Accordingly, the names of the petitioners were considered and hence, the third respondent by proceedings dated 14.05.2009 called the petitioners for certificate verification and accordingly, the petitioners produced all the certificates required for appointment as Secondary Grade Teacher. Thereafter, there was no information regarding the appointment and that the petitioners were under the legitimate impression as they would be appointed pursuant to the certificate verification.

4.In pursuant to the NCTE guidelines, the first respondent issued G.O.Ms.No.181 School Education (C2) Department dated 15.11.2011 holding that Teacher Eligibility Test as a qualification for appointment to the post of Secondary Grade Teacher. The operative Portion of the said Government order is extracted hereunder:

<https://hcservices.ecourts.gov.in/hcservices/> *in respect of Secondary Grade Teachers, the statewide seniority in Employment Exchange Registration will continue to be followed till the*



disposal of the SLP filed in the Supreme Court of India.

(ii) In respect of Graduate Assistants (B.T. Teachers recruited by TRB for the Classes VI to X) in all middle schools, High/ Higher Secondary Schools, selection through written examinations ("Teacher Eligibility Test") in accordance with the guidelines framed by National Council for Teacher Education and Certificate Verification, will be followed.

(iii) The teachers Recruitment Board is designate as the Nodal Agency for conducting of Teacher Eligibility Test and recruitment of Teachers.

5. The learned counsel for the petitioners further submitted that as per the above said Government Order, for appointment to the post of Secondary Grade Teacher, Teacher Eligibility Test has been prescribed as additional qualification only from the date of issuance of the said notification dated 23.08.2010 in addition to the required qualification as degree in the concerned subject with B.Ed. The contention of the petitioners is that they were called for certificate verification much earlier to the said notification dated 23.08.2010 and hence, they need not undergo TET. As there was no further orders passed the petitioners have filed these Writ Petitions with the aforesaid relief.

6. The learned Special Government Pleader appearing for the respondents would submit that challenging the said G.O.M.S.No.181 the matter was taken upto the Hon'ble Supreme Court and the Supreme Court has held that for appointment of teacher in any of the government institution, the teacher should possess TET in view of **Rakhi Ray and others Vs. High Court of Delhi and others reported in 2010 2 SCC 637.**

7. In view of the decision of the Hon'ble Supreme Court (cited supra), a person to be appointed in Government Service as a Teacher must possess TET. Mere calling a candidate for certificate verification would not give confirmation to appoint him as Secondary Grade Teacher as it is only a process for selection and when they did not possess the requisite qualification, they are not entitled to seek any appointment as Secondary Grade Teacher. Hence, these Writ petitions are dismissed. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/



To

1. The Secretary to Government,
School Education Department,
State of Tamilnadu
St.George Fort, Chennai-9.

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

3. The Chairman,
Tamilnadu Teachers Recruitment Board,
E.V.K.SampathMaligai,
DPI Compound,
Chennai.

4. The District Employment Officer,
Ramanathapuram District.
Ramanathapuram.

+ 1 cc TO Mr.G.Prabhu Rajadurai , Advocate in SR No. 91252

smi/Das

AE/GT/SAR3/14.03.2018/4P/6C

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