

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****Dated : 31.08.2017****CORAM :**

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.A(MD)No.1203 of 2016
and
C.M.P(MD)No.7925 of 2016**

- 1.The Secretary to Government,
School Education Department,
Fort. St. George, Chennai.
- 2.The Director of School Education,
College Road, DPI Campus, Chennai.
- 3.The Chief Educational Officer,
Tirunelveli, Tirunelveli District.
- 4.The District Educational Officer,
Tenkasi, Tirunelveli District.

... Appellants

Vs.

- 1.Sivagiri Senai Thalaivar Higher Secondary School,
Sivagiri -627 757, Tirunelveli District,
Rep.by its Secretary.
- 2.The National Council for Teacher Education,
Hans Bhawan, Wing II,
1, Bahadur Shah Zafar Marg,
New Delhi - 110 002,
Rep.by its Member Secretary

... Respondents

Prayer : This Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 17.06.2013 in WP(MD)No.9597 of 2013.

Prayer in WP(MD). 9597/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned Order of the 5th respondent in O. Mu.No.5565/A1/2013 dated 27.05.2013 and quash the same and consequently direct the respondents 4 and 5 herein to approve the appointment of V. Ganesh Kumar as BT Assistant (English) Teacher, in the petitioner s school w.e.f. 16.11.2012 with all attendant benefits includign the arrears of service and salary and allowances.

For Appellants

: Mr.T.S.Md.Mohideen

Additional Government Pleader



For Respondents

: Mr.T.Pon Ramkumar for R1
Mr.Vinothkumar
for Mr.A.Sivaji for R2

J U D G M E N T

(Judgment of the Court was made by G.R.SWAMINATHAN, J.)

This writ appeal is directed against the order dated 17.06.2013 made in WP(MD)No.9597 of 2013 filed by the first respondent.

2.Even though the candidates appointed by the first respondent did not pass Teacher Eligibility Test, direction has been given for granting temporary approval to the teachers concerned. Aggrieved by the same, this writ appeal has been filed.

3.The learned Additional Government Pleader appearing for the appellants contended that the order impugned in the writ petition should be set aside in toto, since the school management was fully aware that those candidates who have not passed the Teacher Eligibility Test as mandated by the Government Order could not have been appointed in the first place.

4.However, the learned counsel for the first respondent brought to our attention the order dated 24.01.2017 made in WA.No.1126 of 2016 etc. batch. The said writ appeals were filed by the Government challenging the interim direction of the learned Judge directing the authorities to grant temporary approval to the writ petitioners who were appointed as teachers after 15.11.2011 without the possession of TET.

5.The writ appeals and the writ petitions were disposed of with a direction to give one more opportunity to such teachers to appear for Teacher Eligibility Test to be conducted by Teachers Recruitment Board. In the event of their passing in the Teacher Eligibility Test, their appointments shall be approved, otherwise they have to be ousted. Till such results are published, the Government shall pay salary to the teachers who are in service in the aided institutions. In the present case, the candidate approved by the first respondent is being paid salary and he shall continue to be paid. It is now submitted that time for passing Teacher Eligibility Test has been extended till 2019. The order made in the writ petition is accordingly modified. In other words, the candidate appointed by the first respondent shall be paid salary, but, the question of granting approval would arise only when he clears Teacher Eligibility Test within the time allowed by law. The order made in the writ petition is modified as indicated above. This writ appeal is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CRL.SIDE)

/True Copy/



TO

- 1.The Secretary to Government,
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- 4.The District Educational Officer,
Tenkasi, Tirunelveli District.

+1cc to Mr.T.PON RAMKUMAR Advocate in SR. No. 75647

+1cc to Mr.A.SIVAJI Advocate in SR. No. 75875

SKM/ARUL

JS/SKN.RSK/SAR.1/9.10.2017/3P-7C

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