



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.08.2017

CORAM :

THE HONOURABLE MR. JUSTICE T. RAJA

W.P. (MD) No. 15917 of 2017

and

W.M.P (MD) Nos. 12581 & 12582 of 2017

S.Arockiasamy

... Petitioner

Vs.

1. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Building,
College Road, Chennai - 6.

2. The Secretary to Government,
Department of School Education,
Secretariat, Fort St. George,
Chennai - 9.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Notification No.05/2017 dated 26.07.2017 on the file of the 1st respondent and quash the same as illegal in so far as the Physical Educational Teacher post is concerned and consequently directing the Respondents to notify and recruit the Physical Education Teacher post separately at Elementary, High School and Higher Secondary Level in accordance with the second Schedule of the National Council for Teacher Education (Determination of Minimum Qualifications for Recruitment of Teachers in Schools) Regulation, 2001.

For Petitioner : Mr.M.Kalifullah
For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader

O R D E R

The present writ petition is directed against the impugned Notification No.05/2017, dated 26.07.2017, issued by the Chairman, Teachers Recruitment Board, inviting applications from eligible candidates for the post of Physical Education Teacher, on the ground that the posts of Physical Education Teacher are going to be filled for Elementary School, High School and Hr. Sec. School level, without following the norms stipulated under the Second Schedule of the National Council for Teacher Education (Determination of Minimum Qualifications for Recruitment of Teachers in Schools) Regulation,



2. Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The learned Counsel for the petitioner contended that there are three different posts, viz., Physical Education Teacher, Physical Education Director and Physical Education Director Grade-I, pertaining to Elementary School level, High School level and Higher Secondary School level, respectively. Without indicating the required qualification for each post, the present impugned notification came to be issued by the first respondent, which would cause tremendous confusion among the candidates that would create further obstacles in the selection process to come to an end. Therefore, a direction should be given to the respondents to specify the requisite qualification for the posts of Physical Education Teacher, Physical Education Director, Physical Education Director Grade-I, in the Elementary level as well as other levels, namely, High School and Higher Secondary School level.

4. It was further submitted by the learned Counsel for the petitioner that in an earlier occasion, the very same first respondent issued notification vide Advertisement No.01/2013, dated 08.05.2013, for Direct Recruitment of Special Teachers in the High/Higher Secondary Schools, under the Control of Director of School Education and various corporations through State Level Employment Exchange Registration Seniority, which was challenged before this Court in W.A.(MD)No.1027 of 2013 and this Court passed an order, holding that there cannot be any selection exclusively by Employment Exchange Registration Seniority alone. Pursuant to the same, G.O.Ms.No.185, School Education (TRB) Department dated 17.11.2014, was issued to conduct fresh recruitment for Special Teachers by competitive examination. In view of the same, the first respondent has also come forward to withdraw the aforementioned notification and informed that fresh notification will be issued separately. When this is the state of affairs, the first respondent, without creating any more confusion, should have issued the present impugned notification with clear instructions, but they have failed to do so. Therefore, a direction as prayed for may be issued by quashing the impugned notification.

5. The learned Special Government Pleader filed a detailed counter affidavit as well as additional counter affidavit, praying to dismiss this writ petition stating that the impugned notification has been issued by the first respondent, inviting applications from the eligible candidates for the post of Special Teachers in the Elementary School Level, namely, Drawing, Sewing, Physical Education Teachers and Music Instructors, by prescribing specific qualification for all these posts and there is no necessity for issuing any more direction.



6. It is further averred in the counter affidavit that the National Council for Teachers Education has prescribed the following qualification levels for each level:

For Elementary School level,

i) Senior Secondary School Certificate or Intermediate or its equivalent; and

ii) Certificate in Physical Education (C.P.Ed.) of a duration of not less than two years or its equivalent; has been specifically mentioned for the post of Physical Education Teacher.

For Secondary / High School level,

Graduate with Bachelor of Physical Education (B.P.Ed) or its equivalent; has been specifically mentioned for the post of Physical Education Director.

For Senior Secondary level,

Physical Education as an elective subject namely M.P.E./M.P.Ed. (2 year duration) has been specifically mentioned for the post of Physical Education Director Grade-I.

7. It is further submitted that about 17575 candidates have applied for the post of Physical Education Teacher in the Elementary School Level with the prescribed qualification and the board has also received applications upto 18.08.2017 and the written examination is scheduled on 22.09.2017, therefore, there is no need for entertaining this writ petition.

8. I find full force on the submissions made by the learned Special Government Pleader. The reason is that the complaint made by the petitioner shows that the respondent has given an improper notification to fill up the post of Physical Education Teachers in Elementary, High and Higher Secondary School levels, by not mentioning the specific qualifications for each level, whereas, the notification was meant only with regard to filling up of the posts of Special Teachers namely Drawing, Sewing, Physical Education Teachers and Music Instructors in the Elementary Level School alone. Therefore, there is no necessity to direct the respondents to prescribe the specific qualifications for the other levels namely, High School and Higher Secondary School Level, since, the respondents have not issued any notification inviting eligible candidates for the post of Physical Education Director and Physical Education Director Grade-I, in the High School level and Higher Secondary School level respectively.

9. Besides, there is no merit in this writ petition and the same is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(P & A)

/True Copy/



To

1.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Building,
College Road,
Chennai - 6.

2.The Secretary to Government,
Department of School Education,
Secretariat, Fort St.George,
Chennai - 9.

+1cc to THE SPECIAL GOVERNMENT PLEADER in SR. No. 76225
GK
JS/JC/SAR.2/31.10.2017/4P-4C

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31.08.2017