



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 11.09.2017  
CORAM :  
THE HONOURABLE MR.JUSTICE T.RAJA

WEB COPY

W.P. (MD) No.17117 of 2017  
and  
WMP No.13700/2017

D.ArulSingh Gnana Selvaraj

... Petitioner

Vs.

1. The State of Tamilnadu  
Rep. by its Secretary  
Department of School Education,  
Fort St. George, Chennai.
2. The Director of School Education,  
College Road, Chennai.
3. The Chief Educational Officer,  
Thoothukudi, Thoothukudi District
4. The District Educational Officer,  
Thoothukudi, Thoothukudi District
5. The Secretary  
APC Veerabahu High School  
Pudhupatti, Thoothukudi District
6. The Headmaster  
APC Veerabahu High School  
Pudhupatti  
Thoothukudi District

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus to direct the respondents to forbear from relieving the petitioner from his employment as BT Assistant (Science) in APC Veerabahu High School, Pudhupatti.

|                 |                                                       |
|-----------------|-------------------------------------------------------|
| For Petitioner  | : Mr.K.Prabhu for<br>M/s.Isaac Chambers               |
| For Respondents | : Mr.D.Muruganandham<br>Additional Government Pleader |

**ORDER**

By consent of both sides, this writ petition itself is taken up for final disposal.



2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader for the respondents 1 to 4.

3. The petitioner has again come to this Court seeking a writ of Mandamus to forbear the respondents from relieving the petitioner from his employment as BT Assistant (Science) in APC Veerabahu High School, Pudhupatti.

4. The prayer is wholly misconceived. The reason is that the petitioner has repeatedly come to this Court and only on the strength of the order passed by this Court, he has been working without taking any care to pass the TET.

5. On earlier occasion, even in the year 2014, when the very same petitioner came before me by filing W.P.(MD) No.3117/2014, I have passed the following order on 09.12.2014:-

"5. In view of the above, the writ petition is disposed of directing the petitioner to pass the TET examination on or before 31.03.2015, provided the State Government holds the examination before 31.03.2015 and if for any reason, the State Government is unable to hold the TET examination before 31.03.2015, the petitioner must pass the TET examination to be conducted by the State Government after 31.03.2015 even in the first attempt. If the petitioner passes the TET examination within the period as aforesaid, the 5<sup>th</sup> respondent shall permit the petitioner in the post of B.T. Assistant (Science). It is also made clear that as per the impugned advertisement, the 5<sup>th</sup> respondent can go ahead with the selection process for the post of B.T. Assistant English for B.C roster and insofar as the post of B.T. Assistant Science for MBC roster is concerned, the same shall be kept in abeyance till the petitioner passes the TET examination in the manner as stated above. It is also made clear that if the petitioner is unable to pass the TET examination on being held by the State Government on or before 31.03.2015 or in the first examination being held after 31.03.2015 in the first attempt, he cannot claim any equity to continue in the post of B.T. Assistant (Science) in the 5<sup>th</sup> respondent College."

6. The learned counsel for the petitioner fairly submitted that when the TET examination was held in the month of April 2017, the petitioner was not able to qualify. It is further stated that the petitioner being a married man is unable to prepare for the examination and in any event, the Government has given time till 31.03.2019. Therefore, one more chance may be given to the petitioner to continue in service, he pleaded.



7. I do not agree with this prayer. It is true that the Central Government has passed a Bill granting time to pass TET until 31.03.2019, whereas, the petitioner was specifically granted time till 31.03.2015 at the first exam to be held after 31.03.2015. The petitioner failed in that exam also. Therefore, I am not able to go back from my own order. Paragraph No.5 of the order as mentioned above clearly shows that the petitioner was given enough time. In spite of it, the petitioner has not qualified. Hence, this Court is not inclined to entertain the writ petition. Accordingly, the writ petition fails and the same is dismissed. No costs. Consequently connected Miscellaneous Petition is closed.

Sd/-  
Assistant Registrar

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Governemnt of Tamilnadu  
Department of School Education,  
Fort St. George, Chennai.
2. The Director of School Education,  
College Road, Chennai.
3. The Chief Educational Officer,  
Thoothukudi, Thoothukudi District
4. The District Educational Officer,  
Thoothukudi, Thoothukudi District.

+1cc to M/s.Isaac Chambers, Sr.No.78098  
+1cc to Spl.Government Pleader Sr.No.78473

RR

VB/RSK/SAR2/13/09/2017/3P/7C

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**WMP No.13700/2017**  
**11.09.2017**