



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2017

C O R A M

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THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.(MD)Nos.20643 and 19501 of 2017

and

W.M.P.(MD)Nos.16922 and 15805 of 2017

W.P.(MD)No.20643 of 2017:-

1.S.Ramalakshmi

...Petitioner

Vs.

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

2.The Director of School Education,
O/o. The Director of School Education,
DPI Campus, Chennai-6.

3.The Chief Educational Officer,
Tuticorin District,
Tuticorin.

4.The District Educational Officer,
O/o the District Educational Officer,
Tuticorin District.

...Respondents

W.P.(MD)No.19501 of 2017:-

S.Dharmaraj

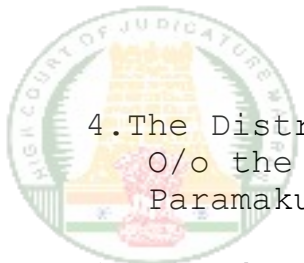
... Petitioner

Vs.

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

2.The Director of School Education,
O/o. The Director of School Education,
DPI Campus, Chennai-6.

3.The Chief Educational Officer,
O/o, the Chief Educational Officer,
Ramanathapuram District.



4.The District Educational Officer,
O/o the District Educational Officer,
Paramakudi, Ramanathapuram District. ...Respondents

(Respondents 3 and 4 are amended vide Court order dated 22.12.2017)

Common Prayer: Writ Petitions filed under Article 226 of the constitution of India, to issue a writ of Mandamus, directing the respondents to grant extension of period to acquire the qualification of passing of Teacher Eligibility Test (TET) to the petitioners based on the amendment to the provisions of Right of Children to Free and Compulsory Education Act, 2009 approved by Government of India and not to terminate the services of the petitioners.

For Petitioner : Mr.T.Lajapathi Roy
For Respondent : Mr.R.Velmurugan
Government Advocate
(in both petitions)

COMMON ORDER

These Writ Petitions have been filed by the petitioner for a direction to the respondents to grant extension of period to acquire the qualification of passing of Teacher Eligibility Test (TET) to the petitioners based on the amendment to the provisions of Right of Children to Free and Compulsory Education Act, 2009 approved by Government of India and not to terminate the services of the petitioners.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3.The 4th respondent in W.P.(MD)No.19501 of 2017, the District Educational Officer, Paramakudi, Ramanathapuram District has filed counter affidavit stating as follows:-

"5.....on 01.04.2015 The Right of Children to Free and Compulsory Education (Amendment) Bill, 2017, was made wherein to insert a new proviso to sub-section (2) of Section 23 of the said Act, so as to provide that every teacher appointed or in position as on 31.03.2015, who does not possess minimum qualifications as laid down under Sub-Section (1) of the said section, shall acquire such minimum qualifications within a period of four years on and from the date of commencement of the proposed legislation."

4.It has been further stated in the said counter affidavit that it is not insisted upon the petitioners and other teachers for passing of Teacher Eligibility Test since the time of passing the same has been extended up to 31.03.2019 as per the Right of Children to Free and Compulsory Education (Amendment) Bill 2017 dated 01.04.2015.



5. Recording the same, this Writ Petitions are disposed of. No costs. Consequently, W.M.P.(MD)Nos.16922 and 15805 of 2017 are closed.

Sd/-

Assistant Registrar(AS)

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/True Copy/

Sub Assistant Registrar

To

- 1.The State of Tamil Nadu,
Rep by its Principal Secretary,
Department of School Education,
For St.George, Chennai-9.
- 2.The Director of School Education,
O/o. The Director of School Education,
DPI Campus, Chennai-6.
- 3.The Chief Educational Officer,
O/o, the Chief Educational Officer,
Tuticorin District.
- 4.The District Educational Officer,
O/o the District Educational Officer,
Tuticorin District.
- 5.The Chief Educational Officer,
O/o, the Chief Educational Officer,
Ramanathapuram District.
- 6.The District Educational Officer,
O/o the District Educational Officer,
Paramakudi, Ramanathapuram District.

+1cc to Special Government Pleader, SR.No. 95080, 94981

W.P.(MD)Nos.20643 and 19501 of 2017

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JM/KKR/SAR 2/22.03.2018/3P/8C