

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.01.2018

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.31240 of 2017 and
WMP.No.34293/2017

E.Elavarasi

.. Petitioner

-vs-

1. Government of Tamil Nadu
rep. by Special Secretary to Government,
School Education Department,
Secretariat, Chennai-9.
 2. The Director of School Education,
Chennai-6.
 3. Tamil Nadu Teachers Recruitment Board
rep. by its Member-Secretary,
College Road, Chennai-6.
- ... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to appoint the petitioner as Graduate Assistant in English or Commerce, commensurate with her qualification and eligibility by giving effect to the declaration of the 3rd respondent dated 6.3.2017 that the petitioner has passed TNTET-October, 2012 and consequently in Government Schools with Notional effect from the date on which the immediate candidate who has secured less marks than the petitioner in 2012 TNTET Test has been appointed as Graduate Assistant in any of the Government Schools in Tamil Nadu and to grant all consequential benefits to the petitioner within a time frame.

For Petitioner :: Mr.M.Ravi

For Respondents:: Mr.V.Jayaprakash Narayanan,
Special Government Pleader

ORDER

The Writ Petition has been filed seeking to issue a Writ of Mandamus, directing the respondents to appoint the petitioner as Graduate Assistant in English or Commerce, commensurate with her qualification and eligibility by giving effect to the

declaration of the 3rd respondent dated 6.3.2017 that the petitioner has passed TNTET-October, 2012 and also give notional effect from the date on which the immediate candidate who has secured less marks than the petitioner in 2012 TNTET Test has been appointed as Graduate Assistant in any of the Government Schools in Tamil Nadu.

2. Learned Counsel for the petitioner submitted that the petitioner has passed 10th and 12th Standard Examinations and then B.Com. Degree and thereafter, also passed B.Ed. (English). Subsequently, she appeared for Tamil Nadu Teachers Eligibility Test (TET) in the year, 2012 and successfully passed the same by securing 92 marks out of 150 and certificate to that effect has been issued by TET on 6.3.2017 which is valid for 7 years from the date of issuance of the said certificate. Again, the petitioner passed 3 years Degree Course, namely, B.A.-English Course and emerged successful and now, she has become fully eligible and qualified to be appointed as Graduate Teacher-English.

3. The learned Counsel for the petitioner further submitted that this Court, in an identical situation in W.P.No.34643/2012, by order dated 14.11.2017, while allowing the said Writ Petition made it clear that once a candidate obtained 3 years B.A. Degree Course, there is no bar for the respondents to appoint such a candidate as a Graduate Teacher, though the requisite qualification is acquired after undergoing any Bachelor Degree in any field, B.Ed. Course and passed in TET Examination.

4. The learned Counsel for the petitioner also submitted that in the present case, the petitioner has acquired B.Com., B.Ed. (English) and also passed in TET conducted in the year 2012 by securing 92 marks out of 150 marks and above all, she has also obtained B.A. English Degree which shows that the petitioner is not only qualified in B.Com., but also in B.A. English Subject. Since she has not passed the B.A. English Degree Course before passing TET, she was not selected. Therefore, a direction should be issued as prayed for by the petitioner in the Writ Petition, it is pleaded.

5. Opposing the above said prayer, the learned Special Government Pleader submitted that the petitioner, no doubt, has passed B.Com., B.Ed. in English. With this qualification, being eligible to take up the TET Examination, she has also passed the same in the year 2012 for which a certificate has been issued declaring the petitioner as pass. She has completed B.A. English Subject 3 years Course after passing of the TET and hence, the same cannot be taken into account. The qualification to become eligible for the post of B.T. Teacher-English is to first study B.A.-English, B.Ed. and then pass the TET examination.

6. This argument of the learned Special Government Pleader cannot be accepted. The reason is as rightly mentioned by the learned Counsel for the petitioner once the petitioner has passed B.Com., Degree and B.Ed. Degree in English and also passed TET Examination held by the Teachers Recruitment Board during the year 2012, she has been qualified to become a teacher in B.Com. subject. But in the present case, to widen her scope to become a teacher in English Subject, the petitioner has studied B.A. Degree English. Therefore, the petitioner, who already became eligible to be appointed as a Teacher in B.Com., has also acquired B.A. Degree in English subsequently. Therefore, as rightly contended by the learned Counsel for the petitioner, there is no need for the petitioner to once again pass the TET.

7. In view of all the above, the respondents are directed to appoint the petitioner as Graduate Teacher either in B.Com. subject, or in B.A. English, by considering her representation dated 23.10.2017, at the earliest.

8. With the above direction, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1. Special Secretary to Government,
Government of Tamil Nadu,
School Education Department,
Secretariat, Chennai-9.
2. The Director of School Education,
Chennai-6.
3. Member-Secretary,
Tamil Nadu Teachers Recruitment Board,
College Road, Chennai-6.

+1cc to Mr.M.Ravi, Advocate Sr.No.1003

sm:25.1.2018

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