



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 01.03.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) .No.323 of 2018

and

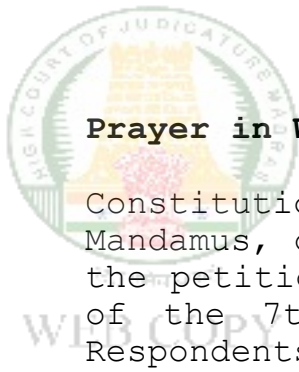
C.M.P. (MD) .No.2028 of 2018

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St.George,
Chennai-600 009.
2. The Director of School Education,
D.P.I.Campus,
College Road,
Chennai-600 006.
3. The Director of Elementary School Education,
D.P.I., Campus,
College Road,
Chennai-600 006.
4. The Chief Educational Officer,
Tiruchirapalli.
5. The District Educational Officer,
Musiri,
Trichy District. ... Appellants /2-6 Respondents

Vs.

1. A.R.Kavitha ... 1st Respondents/Writ Petitioner
2. The National Council for Teacher Education,
Hans Bhawan, Wing II,
1, Bahadur Shah Zafar Marg,
New Delhi-110 002,
Represented by its Member Secretary
... 2nd Respondent/1st Respondent
3. The Correspondent,
Zaminidar Higher Secondary School,
Thuraiyur,
Trichy District. ... 3rd Respondent/7th Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, against
the order of this Court dated 03.07.2013 in W.P.No.10572 of 2013.



Prayer in WP(MD) . 10572/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 6th Respondent to approve the appointment of the petitioner in the post of B T Assistant (Zoology) in the school of the 7th Respondent and further direct the 6th and the 7th Respondents to pay to the petitioners salary with effect from 15.09.2012 within a stipulated time.

For Appellant : Mr.V.R.Shanmuganathan
Special Government Pleader
For R1 : Mr.D.Gunasekaran
For R2 & R3 : No appearance

JUDGMENT

[Judgment of the Court was delivered by T.S.SIVAGNANAM, J.]

Heard Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the appellants and Mr.D.Gunasekaran, learned counsel appearing for the first respondent.

2.This appeal by the state is against the order passed in W.P. (MD).No.10572 of 2013 dated 03.07.2013. In the said order, direction was issued to the third appellant to approve the appointment of the writ petitioner from the date of her appointment, without insisting on the requirement of a pass in Teacher Eligibility Test, and there was also a direction to pay arrears of salary after approving the appellant.

3.The impugned order was passed in the year 2013, after which, several other cases were heard by the Division Bench of this Court and now, the legal issue has been settled that pass in TET is mandatory.

4.However, the learned counsel appearing for the first respondent would submit that the appointment of the Teachers have been approved subsequently. Therefore, by recording the same, we close the writ appeal. No costs. Consequently, the connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

ns

MV:KKR:SAR1:26/03/2018/2P/1C

W.A. (MD) .No.323 of 2018 and

C.M.P. (MD) .No.2028 of 2018

01.03.2018