



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P (MD) Nos.18855 and 18858 of 2013

and

MP (MD) Nos.1,1,2,2,3 & 3 of 2013 and 1 & 1 of 2014

D.Hilda ... Petitioner in WP(MD)No.18855 of 2013

S.Gowharnisa Begum ... Petitioner in WP(MD)No.18858 of 2013

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort.St.George,
Chennai - 09.

2. The Director of School Education,
College Road, Chennai - 06.

3. The Chief Educational Officer,
Madurai District,
Thallakulam, Madurai.

4. The District Educational Officer,
Madurai District,
Thallakulam, Madurai.

5. The Secretary/Correspondent,
U.C. Higher Secondary School,
Nethaji Road, Madurai.

6. The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 06.

... Respondents in both WPs

PRAYER in WP(MD)No.18855 of 2013: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified Mandamus, to call for the records of the impugned proceedings of the 2nd respondent in Na.Ka.NO.

PRAYER

For Petitioner : Mr.C.Arul Vadivel Alias Sekar
For Respondents 1 to 4 : Mr. M.Muthu
Additional Government Pleader
For Respondents 5 & 6 : No appearance
in both WPs

Since the issue involved in these writ petitions is one and the same, they are disposed of by way of a common order. The relief sought for in these writ petitions is to call for the records of the impugned proceedings of the 2nd respondent in Na.Ka.NO. 34116/D1/E4/2013 dated 07.11.2013 and quash the same as illegal and consequently direct the respondents 2 to 5 not to cancel the approval of the petitioner's appointment dated 08.11.2012 granted by the 4th Respondent.

2. The learned Counsel appearing on behalf of the writ petitioners states that the writ petitioners should be exempted from possessing TET qualification and under these circumstances, there is an apprehension that they will be terminated from service. Thus, the writ petitioners are constrained to move the present writ petitions.

3. Teachers Eligibility Test is the requisite qualification prescribed by the National Council for Teachers Education. The minimum educational qualifications are prescribed for the purpose of appointing Teachers. Thus, mere apprehension of the writ petitioners cannot be entertained for the purpose of issuing direction not to cancel the approval of the appointment of the writ petitioners.

4. Admittedly, no order of cancellation is passed by the respondents and further, mere apprehension will not provide any cause of action for filing writ petition. This apart, the minimum requisite educational qualification is prescribed under the rule



are to be implemented by the authorities competent scrupulously. There cannot be any compromise in respect of minimum educational qualifications prescribed in Statute or in Rules. Thus, if the writ petitioner are not possessing the prescribed educational qualifications, then they have to face the consequences, in accordance with law.

5.If any exemption is granted or if any extension of time is granted for the purpose of possessing requisite qualifications of TET, it is for the writ petitioners to avail the same in accordance with the terms stipulated therein. However, there cannot be any total exemption in respect of the minimum requisite educational qualifications prescribed for appointment to the post of Teachers.

6.In any event, the relief as such sought for cannot be considered in view of the fact that the writ petitioners have not established even semblance of legal right, so as to issue direction as such sought for. Thus, no further consideration is required in these writ petitions.

7. Accordingly, the writ petitions stand dismissed. However, there shall be no orders as to costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
State of Tamil Nadu,
Department of School Education,
Fort.St.George, Chennai - 09.
2. The Director of School Education,
College Road, Chennai - 06.
3. The Chief Educational Officer,
Madurai District,
Thallakulam, Madurai.
4. The District Educational Officer,
Madurai District,
Thallakulam, Madurai.



5. The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 06.

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+1cc to Spl.Government Pleader Sr.No.53856,53848

DSK

VB/SKN/RSK/SAR3/10.04.2018/4P/7C

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