



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.03.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P (MD) Nos.2853 to 2855 of 2013

and

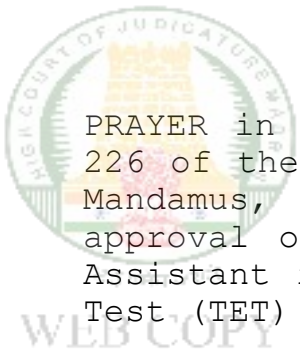
MP (MD) Nos.1,1,1,2,2 and 2 of 2013

P.Rathika ... Petitioner in WP (MD) No.2853 of 2013
C.Mahalakshmi ... Petitioner in WP (MD) No.2854 of 2013
N.Subramaniya Siva ... Petitioner in WP (MD) No.2855 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,
Chennai - 06.
- 3.The Chief Educational Officer,
Theni District, Theni.
- 4.The District Educational Officer,
Periakulam, Theni District. ... R1 to R4 in all WP's
- 5.Nadar Saraswathi Girls Higher Secondary School,
Represented by its Secretary,
Theni - 625 531,
Theni District. ... R5 in WP (MD) No.2853/2013
- 5.Nadar Saraswathi Higher Secondary School,
Represented by its Secretary,
Theni - 625 531,
Theni District. ... R5 in WP (MD) Nos.2854 and 2855/2013
- 6.The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 06. ... R-6 in all WP's

PRAYER in WP (MD) No.2853 of 2013: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents No. 2 to 4 not to cancel the approval of the appointment of the petitioner in the post of B.T Assistant in Science for want of a pass in the Teacher Eligibility Test (TET) conducted by the Respondent No.6 .



PRAYER in WP(MD)No.2854 of 2013: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents NO. 2 to 4 not to cancel the approval of the appointment of the petitioner in the post of B.T Assistant in History for want of a pass in the Teacher Eligibility Test (TET) conducted by the Respondent NO.6 .

PRAYER in WP(MD)No.2855 of 2013: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the Respondents NO. 2 to 4 not to cancel the approval of the appointment of the petitioner in the post of B.T Assistant in History for want of a pass in the Teacher Eligibility Test (TET) conducted by the Respondent NO.6 .

For Petitioner : Mr.T.Lajapathi Roy
 For Respondents : Mr. M.Muthu Kannan
 Government Advocate in all WPs

COMMON ORDER

Since the issue involved in all 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 direct the respondents 2 to 4 not to cancel the approval of appointment of the petitioners in the post of B.T. Assistant for want of pass in TET conducted by the 6th 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 rules 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 petitioners 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 (CSII)

/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,
Chennai - 06.
3. The Chief Educational Officer,
Theni District, Theni.
4. The District Educational Officer,
Periakulam, Theni District.
5. The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 06.

+One cc to The Special Government Pleader, SR.No.53665

+2 ccs to M/s.T.Lajapathi Roy, Advocate, SR.Nos.53714 and 53715

dsk

RL/9C/3p/KK/SAR1/3/4/2018