



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.03.2018

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) Nos.4593, 4594, 4595, 4596 and 4597 of 2013
and
M.P.(MD) Nos.1,1,1,1,1,2,2,2,2 and 2 of 2013

R.Rathika	... Petitioner in W.P.(MD)No.4593 of 2013
C.Dhanabalan	... Petitioner in W.P.(MD)No.4594 of 2013
A.Ananda Kumar	... Petitioner in W.P.(MD)No.4595 of 2013
K.Vallarasu	... Petitioner in W.P.(MD)No.4596 of 2013
K.Mansoor Hassan	... Petitioner in W.P.(MD)No.4597 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 Education Officer,
Theni,
Theni District.
- 4.The District Education Officer,
Periakulam,
Theni District.
- 5.Nadar Saraswathi Higher Secondary School,
represented by its Secretary,
Theni-625 531,
Theni District.
- 6.The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai-06.

... Respondents in all WPs

COMMON PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents No.1 to 4 to exempt the petitioners from appearing in the Teacher Eligibility Test conducted by the respondent No.6.



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For Petitioners	: Mr.T.Lajapathi Roy
For R1 to R4	: Mrs.VPM.Vaishnavi Government Advocate
For R5	: No appearance
For R6	: VR.Shanmughanathan Special Government Pleader

(in all the petitions)

ORDER

The relief sought for in these writ petitions is for a direction to direct the respondents 1 to 4, to exempt the petitioners from appearing in the Teacher Eligibility Test conducted by respondent No.6 and pass orders.

2. The learned counsel appearing on behalf of the writ petitioners state that the writ petitioners were appointed as BT Assistants (Mathematics, Science and English) in the fifth respondent school. The grievances of the writ petitioners are that they have exempted from passing the Teachers Eligibility Test prescribed as a minimum educational qualification for appointment for the post of Teachers.

3. However, the learned Government Advocate appearing on behalf of the official respondents made a submission that the Government of India issued a Government publication under the provisions of the Right of Children to Free and Compulsory Education (Amendment) Act, 2017. Accordingly, the following notifications are issued, which is extracted hereunder:-

"1. (1) This Act may be called the Right of Children to Free and Compulsory Education (Amendment) Act, 2017.

(2) It shall be deemed to have come into force on the 1st day of April, 2015.

2. In the Right of Children to Free and Compulsory Education Act, 2009, in section 23, in sub-section (2), after the proviso, the following proviso shall be inserted, namely:-

"Provided further that every teacher appointed or in position as on the 31st March, 2015, who does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualification within a period of four years from the date of commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2017."

4. In view of the notification it is clearly stated that every teacher appointed or in position as on, has to acquire the qualification of Teachers Eligibility Test. Therefore, no exemption can be granted to the writ petitioners.



5. The learned counsel for the writ petitioners states that the Government has issued orders granted exemption in respect of certain categories of Teachers.

6. May that it be. It is for the competent authorities to consider the case of the writ petitioners with reference to the Government orders and with reference to the notification issued under the provisions of the Act. Right to Education Act and by the National Council for Teachers Education, all the relevant orders and notification are to be taken note of and the decision is to be taken in this regard by the respondents 1 to 4.

7. It is suffice, if a direction is issued to that effect. Accordingly, the respondents 3 and 4 are directed to consider the representation of the writ petitioners dated 28.02.2013 and pass orders on merits and in accordance with law, taking note of all the relevant Government orders and the notifications issued by the National Council for Teachers Education and other relevant orders and pass orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of this order.

8. Accordingly, these writ petitions are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (P&A)

/True Copy/

Sub Assistant Registrar

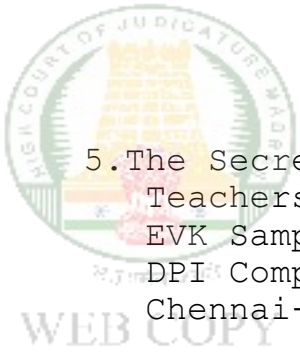
To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai-09.

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

3. The Chief Education Officer,
Theni,
Theni District.

4. The District Education Officer,
Periakulam,
Theni District.



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

+1cc to Special Government Pleader, SR.No. 57617
+3cc to M/S.T.Lajapathi Roy, Advocate SR.No. 57402

W.P. (MD) Nos.4593, 4594, 4595, 4596
and 4597 of 2013
22.03.2018

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JM/SKN RSK/SAR 3/12.04.2018/4P/10C