

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.A.No.2365 of 2013

HILDA MERCY

... appellant

Vs

1 TEACHERS RCRUITMENT BOARD
REP.BY ITS CHAIRMAN COLLEGE ROAD
CHENNAI-6

2 DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD
CHENNAI-6

... respondents

Appeal filed against the order passed by this Court dated 23.09.2013 passed in W.P.No.21335 of 2013.

Prayer in W.P.No.21335 of 2013: Writ petition praying to issue a Writ of Mandamus, directing the respondents to appoint the petitioner as B.T.Assistant (History) based on the certificate verification made on 14.5.2010 as per the Memorandum of the 1st respondent in No.2555/A2/2009 dated 30.4.2010 without insisting the qualification of Teachers Eligibility Test.

For appellant : Mr.P.Ganesan

For respondents : Mr.C.Munusamy, Spl.G.P.

J U D G M E N T

(made by K.K.SASIDHARAN, J.)

The Writ Petition filed by the appellant to appoint her as B.T. Assistant (History) based on the certificate verification conducted on 14 May 2010 by the Teacher's Recruitment Board, without insisting on the qualification of Teachers Eligibility Test was dismissed by the learned Single Judge along with a batch of Writ Petitions. The order dated 23 September 2013 in W.P.No.21335 of 2013 is under challenge at the instance of the unsuccessful Writ Petitioner.

2. The Teachers Recruitment Board called for the list of candidates from the employment exchange and also from the open market for appointment to the post of B.T. (Assistant). The notification was issued on 30 April 2010. The name of the appellant was sponsored by the employment exchange, taking into account her seniority. The appellant was subjected to certificate verification on 14 May 2010. However, she was not given appointment, presumably on the ground that she has not appeared for the Teacher's Eligibility Test, (hereinafter referred to as "the TET").

3. The appellant in her Writ Petition contended that the participation in TET was incorporated as a condition for appointment only by the publication of the Government Order in G.O.Ms.No.181, School education Department dated 15.11.2011. Since the selection process commenced prior to the issuance of the said Government Order, the appellant contended that she is eligible appointment.

4. The learned Single Judge considered a batch of Writ Petitions wherein identical contentions were raised. The learned single Judge referred to the earlier orders passed by the learned Single Judges and the Division Bench judgments and dismissed the Writ Petitions including the Writ Petition filed by the appellant.

5. We have perused the order passed by the learned single Judge in its entirety. We are of the view that the issue raised by the appellant is covered by the judgment rendered by the Division Benches earlier.

6. It is found that T.S.Anbarasu and 69 others, filed a Writ Petition in W.P.No.4827 of 2012, for issuance of a Writ of Mandamus, directing the Teachers Recruitment Board to select them without applying the Government Order in G.O.Ms.No.181, School Education Department, dated 15 November 2011, as per which, pass in TET was included as minimum qualification for appointment to the post of Graduate Assistants (B.T. Teachers) to teach classes VI to X in the schools coming under the Directorate of School Education and Elementary Education. The writ petition was dismissed by order dated 1 March 2012. The learned single Judge followed the earlier order in W.P.No.2108 of 2012.

7. The order dated 1 March 2012 in W.P.No.4827 of 2012 was challenged by the unsuccessful petitioners in W.A.No.1201 of 2012. The First Bench of this Court was pleased to dismiss the appeal by judgment dated 13 July 2012.

8. There was another writ petition in W.P.No.18793 of 2012 filed by one N.Paranthaman and 23 others, again for issuance of a writ of Mandamus, directing the Teacher's Recruitment Board to appoint them to the post of Graduate Assistant (B.T. Teacher) on the basis of the certificate verification done in May 2010, without insisting them to write Teacher's Eligibility Test, as a pre-condition for appointment. The writ petition was dismissed by order dated 20 July 2012.

9. Before the Madurai Bench of this Court, a writ petition was filed in W.P.(MD)No.4478 of 2012 by one Murugan, claiming to be the Secretary of Teachers Training Diploma and B.Ed., Graduates Association. The writ petition was filed to direct the Government to recruit the teachers on the basis of employment exchange seniority and without reference to TET. The writ petition was dismissed by order 14 December 2012.

10. The above referred proceedings would clearly indicate that this Court has consistently passed orders rejecting the request made by the candidates for their selection, without reference to the TET. The learned Single Judge placed reliance on such decisions and once again rejected the claim. We do not therefore see any need for another adjudication in this appeal.

11. We therefore dismiss the intra court appeal, without any liability to pay costs.

Sd/-
Assistant Registrar(CS-VIII)

//True Copy//

Sub Assistant Registrar

tar
To

1. The Chairman,
TEACHERS RCRUITMENT BOARD
COLLEGE ROAD,
Chennai - 6

2 THE DIRECTOR OF SCHOOL
EDUCATION COLLEGE ROAD
Chennai - 6

+1 cc to M/s.C.S.Associates, Advocate, S.R.No.13843

+1 cc to the Government Pleader, S.R.No.14127

W.A.No.2365 of 2013

PA(CO)
SSM(22/03/2019).