

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.05.2019

CORAM:

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.15155 of 2019

and

W.M.P.Nos.15140 and 15142 of 2019

K.V.Paramanantham

... Petitioner
/vs/

1. Teachers Recruitment Board,
Rep. by its Chairman,
E.V.K. Sampath Building, 4th Floor,
DPI Complex,
College Road, Chennai - 600 006.
 2. The Director of School Education,
E.V.K. Sampath Building,
DPI Complex,
College Road, Chennai - 600 006.
 3. The Secretary,
School Education Department,
Secretariat,
St. George Fort, Chennai - 600 009.
 4. The Member Secretary,
National Council for Teachers Education,
Hans Bhawan, Wing-II,
No.1, Bahadur Shah Zafar Marg,
New Delhi - 110 002.
- ... Respondents

Prayer This Writ petition filed under Article 226 of Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for all relevant records relating to the impugned Notification for the Tamil Nadu Teacher Eligibility Test (TNTET) - 2019, in Advertisement No.08/2019 dated 28.02.2019, published by the 1st Respondent, Teachers Recruitment Board, in pursuant to the Government Orders in G.O.(Ms)No.181, School Education(C2) Department dated 15.11.2011 and G.O.(Ms)No.149, School Education(TRB) Department dated 20.07.2018, with regard to Clause-8(d) General Information, which is in contrary to

the Clause 9(b), Qualifying Marks, prescribed in the Guidelines for conducting TET, Notified in No.,76-4/2010/NCTE/Acad dated 11.02.2011, by the 4th Respondent NCTE, with regard to Clause-8(a), 5% marks relaxation for Reserved categories, which is not applicable for Qualifying Examinations, with regard to Clause 3, "Structure and Content for TNTET" Paper -II, of the Notification, for the selection of Graduate Teachers (B.T.Assistant) for classes vi to viii, to quash the same as arbitrary, improper, illegal, unconstitutional and contrary to the principle of merit, thereby directing the Respondents herein to fix a Minimum Eligibility Mark or Minimum Pass Percentage of marks in the Main Subject, within the said clause 3 of the Notification, to give weightage for the marks scored in the TET examination as per Clause 9 (b) of the said NCTE Notification, to cancelling the 5% marks relaxation provided for Reserved Categories for selection of Qualitative and Proficient Notification accordingly, for the selection and appointment and appointment of the petitioner as Graduate Teachers (B.T.Assistant) on merit.

For Petitioners :Mr.R.K.Rajesh Praveen Kumar

For Respondents :Mr.K.Karthikeyan,
Government Advocate for R1 to 3
Mr.J.Harikrishna,
Additional Standing Counsel for NCTE
for R4.

ORDER

By consent, the writ petition itself is taken up for final disposal.

2. Heard the learned counsel for the petitioner and Mr.K.Karthikeyan, learned Government Advocate who accepted notice for respondents 1 to 3 and Mr.J.Harikrishna, Additional Standing Counsel for NCTE who accepted notice for fourth respondent.

3. The petitioner has filed this writ petition challenging the impugned Notification for the Tamil Nadu Teacher Eligibility Test (TNTET) - 2019, in Advertisement No.08/2019 dated 28.02.2019, published by the 1st Respondent, Teachers Recruitment Board, in pursuant to the Government Orders in G.O.(Ms)No.181, School Education(C2) Department dated 15.11.2011 and G.O.(Ms)No.149, School Education(TRB) Department dated 20.07.2018, with regard to Clause-8(d) General Information, which is in contrary to the Clause 9(b), Qualifying Marks, prescribed in the

Guidelines for conducting TET, Notified in No.,76-4/2010/NCTE/Acad dated 11.02.2011, by the 4th Respondent NCTE, with regard to Clause-8(a), 5% marks relaxation for Reserved categories, which is not applicable for Qualifying Examinations, with regard to Clause 3, "Structure and Content for TNTET" Paper -II, of the Notification, for the selection of Graduate Teachers (B.T.Assistant) for classes vi to viii, and seeks to quash the same, thereby directing the Respondents herein to fix a Minimum Eligibility Mark or Minimum Pass Percentage of marks in the Main Subject, within the said clause 3 of the Notification, to give weightage for the marks scored in the TET examination as per Clause 9 (b) of the said NCTE Notification, to cancelling the 5% marks relaxation provided for Reserved Categories for selection of Qualitative and Proficient Notification accordingly, for the selection and appointment and appointment of the petitioner as Graduate Teachers (B.T.Assistant) on merit.

4. The writ petition has been filed to quash the G.O. merely on the ground that the pattern of question paper in Teachers Eligibility Test is not properly set and question paper has to be based on syllabus. At the outset, this Court is of the view that a candidate who wants to become a teacher should be competent to answer all the questions and that candidate cannot dictate the terms as to how to set the question papers and he is expected to be well versed in answering all the questions set from the entire book in respect of the particular syllabus. Further, it appears that the process of setting the question papers have already been over and many candidates are going to appear for the same which are scheduled to be held during 08.06.2019 and 09.06.2019. Therefore, at this stage, the writ petition cannot be entertained by this Court.

5. In the result, the Writ Petition fails and the same is accordingly, dismissed. No costs. Consequently connected miscellaneous petition is also closed.

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Sd/-
Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

dpq/tsg

To

1. Teachers Recruitment Board,
Rep. by its Chairman,
E.V.K. Sampath Building, 4th Floor,
DPI Complex,
College Road, Chennai - 600 006.

2. The Director of School Education,
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4. The Member Secretary,
National Council for Teachers Education,
Hans Bhawan, Wing-II,
No.1, Bahadur Shah Zafar Marg,
New Delhi - 110 002.

+1cc to Mr. P.K.Rajesh Praveen Kumar, Advocate SR.No. 44610

+1cc to Mr. J. Harikrishna, Advocate SR.No. 44413

+1 cc to Government Pleader Sr.No. 44499

W.P.No.15155 of 2019
and

W.M.P.Nos.15140 and 15142 of 2019

rr (CO)
A.SK(10/07/2019)

सत्यमेव जयते

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