

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.05.2019

CORAM:

THE HON'BLE MR. JUSTICE N.SATHISH KUMAR

W.P.No.15158 of 2019

and

W.M.P.Nos.15145 and 15148 of 2019

R.Sakthivel

... 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 Guidelines for conducting TET, Notified in No.76-4/2010/NCTE/Acad dated 11.02.2011, issued by the 4th Respondent NCTE, with regard to Clause-11 assigning a maximum seven years validity for the TET Certificate and the impugned Government Orders in G.O.(Ms)No.81, School Education(C2) Department dated 15.11.2011, issued by the 1st Respondent, Teachers Recruitment Board, with regard to Clause 11 in the

Annexure, assigning a maximum seven years validity for TET Certificate, as it is contrary to clause9(b) of the said NCTE Notification, stating TET as a eligibility criteria for further recruitment process, to quash the same as arbitrary, improper, illegal, and unconstitutional, thereby directing the 4th and the 1st Respondents herein to assign permanent validity to the TET Certificate, issued on the base of the said NCTE Notification, treating TET as minimum qualification, providing eligibility to participate in further selection process of competitive examination as per G.O.Ms.No.149 School Education(TRB) Department, dated 20.07.2018 and consequently to give exemption for the candidates possessing TNTET Certificate, which had crossed the said maximum seven years validity period, from appearing for further TNTET Examination, particularly in TNTET-2019 Notification accordingly, for allowing the petitioner to participate in the further selection process, for selection and appointment as Graduate Teachers (B.T.Assistant) on merit.

For Petitioner : Mr.P.K.Rajesh Praveen Kumar

For Respondents: Mr. K.Karthikeyan

Government Advocate for R1 to R3

Mr.J.Harikrishna for R4

Additional Standing Counsel for NCTE

for R4

O R D E R

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 Guidelines for conducting TET, Notified in No.76-4/2010/NCTE/Acad dated 11.02.2011, issued by the 4th Respondent NCTE, with regard to Clause-11 assigning a maximum seven years validity for the TET Certificate and the impugned Government Orders in G.O.(Ms)No.81, School Education(C2) Department dated 15.11.2011, issued by the 1st Respondent, Teachers Recruitment Board, with regard to Clause 11 in the Annexure, assigning a maximum seven years validity for TET Certificate, as it is contrary to clause9(b) of the said NCTE Notification, stating TET as a eligibility criteria

for further recruitment process and seeks to quash the same and to direct the 4th and the 1st Respondents herein to assign permanent validity to the TET Certificate, issued on the base of the said NCTE Notification, treating TET as minimum qualification, providing eligibility to participate in further selection process of competitive examination as per G.O.Ms.No.149 School Education(TRB) Department, dated 20.07.2018 and consequently to give exemption for the candidates possessing TNTET Certificate, which had crossed the said maximum seven years validity period, from appearing for further TNTET Examination, particularly in TNTET-2019 Notification accordingly, for allowing the petitioner to participate in the further selection process, for selection and appointment 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.

सत्यमेव जयते

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. 44611

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

+1 cc to Government Pleader Sr.No. 44498

W.P.No.15158 of 2019
and

W.M.P.Nos.15145 and 15148 of 2019

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

सत्यमेव जयते

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