



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.13174 of 2013

and

M.P. (MD) No.1 of 2013

WEB COPY

The Secretary,
Gramma Committee Higher Secondary School,
Venkateshwarapuram, Alangulam Taluk,
Tirunelveli District.

... Petitioner

-Vs-

1.The National Council for Teacher Education,
Hans Bhawan, Wing II,
1, Bahadur Shah Zafar Marg,
New Delhi-110 002,
Represented by its Member Secretary.

2.The Secretary to Government,
School Education Department,
Fort St. George, Chennai.

3.The District Education Officer,
Tenkasi, Tirunelveli District.

... Respondents

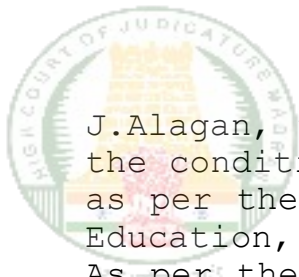
PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the third respondent in O.Mu.No.5570/A1/2012, dated 03.06.2013 and quash the same and further direct the third respondent to approve the appointment of Mr.J.Alagan, B.T. Assistant (History) w.e.f., 15.11.2012 in the petitioner's school and pay all monetary and service benefits with arrears.

For Petitioner	: Mr.H.Arumugam
For R1	: No Appearance
For R2 and R3	: Mrs.S.Srimathy, Special Government Pleader.

ORDER

The order dated 03.06.2013 is under challenge in the present writ petition.

2.The writ petitioner school has appointed one J.Alagan as B.T. Assistant (History) and he was working as such. When the proposals were submitted for the approval of appointment of the said



J.Alagan, the competent authorities of Education Department imposed the condition that a teacher must pass the Teachers Eligibility Test as per the notification issued by the National Council for Teachers Education, which was implemented by the Government of Tamil Nadu. As per the National Educational Policy, pass in Teacher Eligibility Test is a mandatory qualification for appointment to the post of teachers and therefore, only in the event of passing the Teachers Eligibility Test, the appointments can be conferred and not otherwise.

3.The learned counsel appearing on behalf of the writ petitioner is unable to establish whether the said J.Alagan, as of now has passed the Teachers Eligibility Test or not. The Government also granted extension of time for passing the Teachers Eligibility Test. Under these circumstances, if the said J.Alagan has already passed the Teachers Eligibility Test in accordance with the Government Orders in force, then his case shall be considered for approval of appointment in accordance with the rules in force. If the said J.Alagan has not passed the Teachers Eligibility Test, then as per the impugned order, his appointment is liable to be cancelled with reference to the policy of the Government, in the matter of minimum educational qualifications prescribed for appointment to the post of teachers.

4.With these clarifications, the Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,
School Education Department,
Fort St. George, Chennai.

2.The District Education Officer,
Tenkasi, Tirunelveli District.

+1 CC to Mr.H.ARUMUGAM, Advocate SR-84422.

+1 CC to SPL GP SR-84501.

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