



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.07.2019

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.18896 of 2013

and

M.P (MD)No.2 of 2013

and

M.P (MD)No.1 of 2014

M.Velammal

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai-9.
2. The Director of School Education,
Chennai-06.
3. The District Education Officer,
Tiruchirapalli District,
Tiruchirapalli.
4. Savitri Vidyasala Hindu Girls
Higher Secondary School,
Represented by its Secretary,
Tiruchirapalli District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in Na.Ka.No.34116/b1/,4/2013 dated 07.11.2013 passed by the second respondent, the consequential order Na.Ka.No.7225/M5/2013 dated 18.11.2013 passed by the third respondent and quash the same and issue a direction to the respondents to permit the petitioner to work in the fourth respondent School with salary, continuity of service, all monetary and service benefits till the end of 5 year period from the date of her appointment as permitted to others.



For Petitioners : Mr.M.Senthilkumar
For R1 to R3 : Mrs.S.Srimathy,
Special Government Pleader
For R4 : No appearance

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ORDER

The order impugned, dated 07.11.2013 issued for cancelling the appointment made on the ground that the Teacher appointed had not passed the Teachers Eligibility Test, is under challenge in the present writ petition.

2.The writ petitioner was appointed as B.T.Assistant (Tamil) on 07.03.2012. The appointment made was proposed to be cancelled in the impugned proceedings, dated 07.11.2013 on the ground that the writ petitioner had not passed the Teachers Eligibility Test.

3.This Court is of the considered opinion that the National Council for Teachers Education (NCTE) issued the regulations fixing the minimum educational qualification for appointment to the post of Teachers. The Government of Tamil Nadu also adopted the minimum educational qualification fixed by the National Council for Teachers Education. Accordingly, pass in Teachers Eligibility Test is the mandatory qualification for appointment to the post of Teachers.

4.The learned counsel appearing on behalf of the petitioner also states that the appointment of the writ petitioner was sought to be cancelled on the ground that she has not passed the Teachers Eligibility Test during the relevant point of time. Under these circumstances, if at all the writ petitioner has cleared the Teachers Eligibility Test, then alone her case can be considered and not otherwise and now pass in Teachers Eligibility Test is a mandatory qualification for appointment to the post of Teachers.

5.With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)



To

1. The Principal Secretary,
Department of School Education,
Fort St. George,
Chennai-9.

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

3. The District Education Officer,
Tiruchirapalli District,
Tiruchirapalli.

+1 CC to MR.M.SENTHIL KUMAR, Advocate (SR-78892[F] dated
31/07/2019)

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-78841[F] dated
31/07/2019)

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30.07.2019

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AE/ (13.08.2019) 3P 6C