



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2019

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.19398 of 2013

and

M.P. (MD) Nos.2 and 3 of 2013 and 1 of 2014

C.Mohandoss

... Petitioner

-Vs-

1. The Government of Tamilnadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.

2. The Director of School Education,
College Road,
D.P.I. Campus,
Chennai-600 006.

3. The Chief Educational Officer,
Tirunelveli District, Tirunelveli.

4. The District Educational Officer,
Tenkasi.

5. The Correspondent,
West Tirunelveli Higher Secondary School,
Nallur, Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings of the 2nd respondent bearing Na.Ka.No.34116/D1/E4/2013, dated 07.11.2013 and consequential proceeding of the 4th respondent bearing Na.Ka.No.12331/A2/2013, dated 11.11.2013 in so far as it relates to the petitioner is concerned and quash the same and consequently direct the respondents to allow the petitioner to continue till the stipulated periods of time under the Act grant in-aid to the 5th respondent's school towards the salary of the petitioner and direct the respondents to grant all attendant and consequential



benefits including increment and incentives, with a condition that the petitioners shall acquire TET qualification within a stipulated period that may be fixed by this Court.

For Petitioner : Mr.S.Siva Ilayaraja

For Respondents : Mrs.S.Srimathy
Special Government Pleader
(for R-1 to R-4)

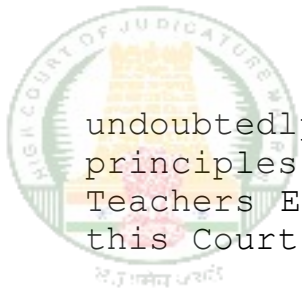
No Appearance (for R-5)

ORDER

The impugned order states that the teachers, who have not passed the Teachers Eligibility Test, the mandatory qualification must be discharged from service. The appointments issued in favour of those teachers, who have not passed the Teachers Eligibility Test should be cancelled with reference to the Government Orders. The said order dated 07.11.2013, is under challenge in the present writ petition.

2.The writ petitioner was appointed as BT Assistant (Botany) in the fifth respondent's school with effect from 20.07.2012. The writ petitioner was appointed in the vacant place consequent to the resignation of one Smt.R.Margaret Josphine. The writ petitioner, during the relevant point of time has not passed the Teachers Eligibility Test. It is a mandatory qualification as per the regulation issued by the National Council for Teachers Education, which is adopted by the Government of Tamil Nadu. On account of National Education policy, the appointment of teachers are now regulated and passed in Teachers Eligibility Test which is a mandatory qualification for appointment. Opportunities were granted to those teachers to pass Teachers Eligibility Test. The Government has also extended time for passing the test till March 2019. Several examinations were conducted both by the Central Government as well as by the State Government. Two examinations are conducted every year by the Central Government and the State Government also conducted examinations for Teachers Eligibility Test.

3.Inspite of this writ petitioner has not passed the Teachers Eligibility Test, the learned Special Government Pleader appearing on behalf of the respondents 1 to 4 states that even now the writ petitioner has not passed the Teachers Eligibility Test. This being the factum, the respondents are bound to initiate all further actions in accordance with the rules in force and a



undoubtedly not eligible to continue as a teacher. This being the principles settled, the writ petitioner, who has not passed the Teachers Eligibility Test, is not entitled to get any relief from this Court.

4. Accordingly, the writ petition is devoid of merits and stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Principal Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.
2. The Director of School Education,
College Road, D.P.I. Campus,
Chennai-600 006.
3. The Chief Educational Officer,
Tirunelveli District, Tirunelveli.
4. The District Educational Officer, Tenkasi.
5. The Correspondent,
West Tirunelveli Higher Secondary School,
Nallur, Tirunelveli District.

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-79405[F] dated 02/08/2019)

+1 CC to M/s.S.SIVA ILAYARAJA, Advocate (SR-79620[F] dated 05/08/2019)

W.P. (MD) .No.19398 of 2013
01.08.2019

SJI

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