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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.19438 of 2013
and
M.P.(MD)Nos.2 of 2013 and 1 of 2014

The Correspondent
St.Arulanandar Higher Secondary School,
Oriyur-623 406
Ramnad District. ... Petitioner

-Vs-

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

2.The Director of School Education,
College Road,
Chennai-600 006.

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

4.The District Educational Officer,
Ramnad, Ramnad 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 procedings issued by the 2nd respondent Director of School Education in Na.Ka.No.34116/D1/E4/2013, dated 07.11.2013 and the consequential order issued by the 4th respondent DEO in Na.Ka.No.7396/Aa3/2013, dated 19.11.2013, quash the same in so far as the petitioner is concerned and further direct the respondents 2 to 4 to continue to disburse the grant-in-aid towards salary to the BT Assistant (English) in the petitioner's school I.Kulandai Raj.

For Petitioner : Mr.P.Muthuvel
for M/s.Isaac Chambers

For Respondents : Mrs.S.Srimathy
Special Government Pleader

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ORDER

The order dated 07.11.2013, and the consequential order passed by the fourth respondent, dated 19.11.2013 are under challenge in the present writ petition.

2.The Correspondent of the School filed the present writ petition on behalf of the teacher. The order impugned, dated 07.11.2013 was issued by the Director of School Education stating that the teachers who have not passed the Teachers Eligibility Test must be dealt with in accordance with the terms and conditions of the Government Order and accordingly, their appointments are to be cancelled. Consequently, the District Educational Officer passed an order cancelling the appointment of the teacher Mr.I.Kulandai Raj. Challenging these orders, the Management / Correspondent of the School filed the present writ petition.

3.The Government extended time for passing the Teachers Eligibility Test. It is a mandatory qualification for appointment to the post of teachers in accordance with 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 pass 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.

4.Inspite of this writ petitioner has not passed the Teachers Eligibility Test, the learned Special Government Pleader appearing on behalf of the respondents states that even now the writ petitioner has not passed the Teachers Eligibility Test. In view of the fact that the writ petitioner had not passed the Teachers Eligibility Test till now. Thus, the respondents are bound to take further actions with reference to the rules regarding the passing of Teachers Eligibility Test and pass appropriate orders as expeditiously as possible. However, the teacher who has not passed the Teachers Eligibility Test is not entitled to continue in service as a teacher. The competent authorities are directed to appropriate orders afresh, in view of the fact that the teacher is continued.

5.With these directions, the claim of the writ petitioner stands rejected and accordingly, the writ petition stands dismissed.

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No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary,
Department of School Education,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
College Road, Chennai-600 006.

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

4.The District Educational Officer,
Ramnad, Ramnad District.

+1 CC to M/s.ISAAC CHAMBERS, Advocate (SR-79358[F] dt.02/08/2019)

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01.08.2019

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