



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2019

CORAM:

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

W.P. (MD)No.20506 of 2013

S.Jayanthibai

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by the Principal Secretary
to Government,
School Educational Department,
Fort St. George,
Chennai-600 009.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maaligai,
DPI Compound,
College Road,
Chennai-600 006.

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

4.The Regional Director,
Southern Regional Committee (NCTE),
Jnana Bharathi Campus Road,
Nagarabhavi, Opp. National
Law College,
Bangalore-560 072.

5.The Director of Elementary Education,
College Road, Nungambakkam,
Chennai-600 006.

... Respondents

PRAYER: Writ Petitions under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to appoint the petitioner as B.T.Assistant on the basis of his education qualification without insisting upon the petitioner to write Teacher Eligibility Test as pre-condition for appointment to the post of B.T.Assistant.



For Petitioner : Mr.M.Thirunavukkarasu
For Respondents : Mr.VR.Shanmuganathan,
Special Government Pleader

ORDER

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The relief sought for in the present writ petition is for a direction to the respondents to appoint the petitioner as B.T.Assistant on the basis of his education qualification without insisting upon the petitioner to write Teacher Eligibility Test as pre-condition for appointment to the post of B.T.Assistant.

2. The writ petitioner states that he completed his graduation in B.Sc., (Zoology) and passed B.Ed., course also. The writ petitioner registered his name in the District Employment Exchange, Thanjavur and she belongs to B.C., category. In view of the fact that the claim of the writ petitioner is that she possessed the requisite educational qualification before the new enactment of Right to Free Education Act and the subsequent notification issued by the National Council for Teachers Education prescribing the minimum educational qualification for appointment to the post of Teachers across the Country. The regulations issued by the National Council for Teachers Education had already been implemented by the Government of Tamil Nadu and the minimum educational qualification prescribed for appointment to the post of Teachers are followed in the State of Tamil Nadu. Mere acquisition of the educational qualification prior to the implementation of the new educational policy would not be a ground to claim that the writ petitioner should be appointed based on the old rules. Admittedly, during the relevant point of time, the writ petitioner was not appointed. Thus, at the time of participating in the process of selection, the terms and conditions including the minimum educational qualifications, age limit prescribed in the recruitment notification are to be followed scrupulously by the authorities.

3.Thus, the very claim set out in the writ petition deserves no merit consideration as the writ petitioner has to participate in the process of selection and secured public employment only by way of selection. This apart, even at the time of filing of the writ petition, the petitioner was aged about 43 years and now she would be around 47 years. This being the factum, no further consideration is required in respect of the grounds raised in the writ petition.

4.Accordingly, the writ petition stands dismissed. No costs.

Sd/-
Assistant Registrar(AD-II)

/TRUE COPY/

Sub Assistant Registrar



To

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State of Tamil Nadu,
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JM/08.08.2019/3P/6C