



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 24.06.2019
CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

WEB COPY

W.P. (MD) Nos. 17562 to 17573 and 17245 of 2014
and

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

P. Stella	... Petitioner in WP (MD) . 17562/ 2014
C. Kavitha,	... Petitioner in WP (MD) . 17563/ 2014
K. Mohamed Kamil,	... Petitioner in WP (MD) . 17564/ 2014
S. Chandrasekaran	... Petitioner in WP (MD) . 17565/ 2014
B. Mahesh Raja,	... Petitioner in WP (MD) . 17566/ 2014
N. Shanmuga Priya,	... Petitioner in WP (MD) . 17567/ 2014
G. Rajiv Gandhi,	... Petitioner in WP (MD) . 17568/ 2014
P. Anand	... Petitioner in WP (MD) . 17569/ 2014
Chandra Banu R,	... Petitioner in WP (MD) . 17570/ 2014
B. Ranjith Kumar,	... Petitioner in WP (MD) . 17571/ 2014
S. Priyadarshini	... Petitioner in WP (MD) . 17572/ 2014
Ar. Kavitha	... Petitioner in WP (MD) . 17573/ 2014
Jeevarathinam S.	... Petitioner in WP (MD) . 17245/ 2014

-Vs-

1. The State of Tamil Nadu

Rep by the Principal Secretary to Government,
School Education TRB Department,
St. George Fort, Chennai-9.

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



3.The Secretary,
Tamil Nadu Teachers Recruitment Board,
E.V.K. Sampath Maligai, DPI Compound,
Chennai. ...Respondents in all WPs

WEB COPY

Prayer in WP(MD).17562/ 2014

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Declaration, declaring the selection and appointment of candidates with less than 90 marks in TET (Teacher Eligibility Test) to the post of B.T. Assistant in English as illegal and consequently, to select and appoint the petitioner with 95 marks in TET to the post of B.T.Assistant in English within the time stipulated by this Court.

Prayer in WP(MD). 17563/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration , declaring the selection and appointment of candidates with less than 90 marks in TET (Teacher Eligibility Test) to the post of B.T Assistant in Tamil as illegal and consequently to select and appoint the petitioner with 97 marks in TET to the post of B.T Assistant in Tamil within the time stipulated by this Honourable Court.

Prayer in WP(MD). 17564/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration, declaring the selection and appointment of candidates with less than 90 marks in TET (Teacher Eligibility Test) to the post of Secondary Grade Teachers as illegal and consequently to select and appoint the petitioner with 93 marks in TET to the post of Secondary Grade Teacher within the time stipulated by this Honourable Court.

Prayer in WP(MD). 17565/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration , declaring the selection and appointment of candidates with less than 90 marks in TET (Teacher Eligibility Test) to the post of B.T Assistant in English as illegal and consequently to select and appoint the petitioner with 95 marks in TET to the post of B.T Assistant in English within the time stipulated by this Honourable Court.



Prayer in WP(MD). 17566/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration, declaring the selection and appointment of candidates with less than 90 marks in TET (Teacher Eligibility Test) to the post of Secondary Grade Teachers as illegal and consequently to select and appoint the petitioner with 102 marks in TET to the post of Secondary Grade Teacher within the time stipulated by this Honourable Court.

Prayer in WP(MD). 17567/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration , declaring the selection and appointment of candidates with less than 90 marks in TET (Teacher Eligibility Test) to the post of B.T Assistant in English as illegal and consequently to select and appoint the petitioner with 95 marks in TET to the post of B.T Assistant in English within the time stipulated by this Honourable Court.

Prayer in WP(MD). 17568/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration, declaring the selection and appointment of candidates with less than 90 marks in TET (Teacher Eligibility Test) to the post of B.T. Assistant in Mathematics as illegal and consequently to select and appoint the petitioner with 94 marks in TET to the post of Secondary Grade Teacher within the time stipulated by this Honourable Court.

Prayer in WP(MD). 17569/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration , declaring the selection and appointment of candidates with less than 90 marks in TET (Teacher Eligibility Test) to the post of B.T Assistant in English as illegal and consequently to select and appoint the petitioner with 96 marks in TET to the post of B.T Assistant in English within the time stipulated by this Honourable Court.

Prayer in WP(MD). 17570/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration, declaring the selection and appointment of candidates with less than 90 marks in TET (Teacher Eligibility Test) to the post of B.T. Assistant in Physics as illegal and consequently to select and appoint the petitioner with 94 marks in TET to the post of Secondary Grade Teacher within the time stipulated by this Honourable Court.

**Prayer in WP(MD). 17571/ 2014 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration , declaring the selection and appointment of candidates with less than 90 marks in TET (Teacher Eligibility Test) to the post of B.T Assistant in English as illegal and consequently to select and appoint the petitioner with 95 marks in TET to the post of B.T Assistant in English within the time stipulated by this Honourable Court.

Prayer in WP(MD). 17572/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration, declaring the selection and appointment of candidates with less than 90 marks in TET (Teacher Eligibility Test) to the post of B.T. Assistant in Tamil as illegal and consequently to select and appoint the petitioner with 95 marks in TET to the post of B.T. Assistant within the time stipulated by this Honourable Court.

Prayer in WP(MD). 17573/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration , declaring the selection and appointment of candidates with less than 90 marks in TET (Teacher Eligibility Test) to the post of B.T Assistant in Tamil as illegal and consequently to select and appoint the petitioner with 95 marks in TET to the post of B.T Assistant in Tamil within the time stipulated by this Honourable Court.

Prayer in WP(MD). 17245/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Declaration declaring the selection and appointment of candidates with less than 90 marks in TET (Teacher Eligibility test) to the post of B.T Assistant in Tamil as illegal and consequently to select and appoint the petitioner with 91 marks in TET to the post of B.T Assistant in Tamil within the time stipulated by this Honourable Court.

For Petitioners : Mr.T.LajapathiRoy
(in all WPs)

For R1 and R2 : Mrs.S.Srimathy,
(in all WPs) Special Government Pleader

For R3 : Mr.V.R.Shanmuganathan
(in all WPs) Special Government Pleader

**ORDER**

The relief sought for in the present writ petition is to declare that the selection and appointment of candidates with less than 90 marks in TET (Teacher Eligibility Test) to the post of B.T. Assistant in English as illegal and consequently, to select and appoint the petitioner with 95 marks in TET to the post of B.T. Assistant in English.

2. The very grievances of the writ petitioners are that the relaxation should not be given in respect of the Teachers Eligibility Test conducted by the competent authority.

3. The learned counsel appearing for the petitioners states that the candidates, who secured lesser marks were appointed as B.T. Assistant, despite the fact that they have not secured the cut-off mark in the Teachers Eligibility Test. However, the selection now under challenge before this Court was of the year 2013-2014 and those selections were concluded long back.

4. The learned Special Government Pleader appearing on behalf of the respondents states that now that the Hon'ble Supreme Court of India has settled the issue in the matter of Teachers Eligibility Test, which is a mandatory qualification for all appointment to the Teaching post. As per the judgment of the Hon'ble Supreme Court of India, all authorities competent are bound to follow the minimum marks fixed for the Teachers Eligibility Test and no State can appoint any candidate in teaching post, if they have not secured the requisite mark in the Teachers Eligibility Test.

5. This Court is of the opinion that now the Teachers Eligibility Test and National Eligibility Test became a national policy and the criteria and other details were settled by the National Council for Teachers Education and the State has also implemented the same in respect of the passing of the Teachers Eligibility Test for appointment to the teaching posts in Education Department across the state.

6. This being the factum, the candidate, who secured lesser mark cannot be appointed at all. However, the relaxation permitted by the Hon'ble Supreme Court of India alone can be extended to all the eligible candidates. The learned Special Government Pleader further states that 5% relaxation was given in G.O.Ms.No.25. Thus, all these guidelines / instructions in consonance with the judgment of the Hon'ble Supreme Court of India are to be followed for the purpose of selection and appointment to the Teaching post in the Education Department.



7. In respect of the claim of the writ petitioners to select and appointment would not arise at this length of time, the process of selection was conducted 5 years back and now, after this length of time, the settled selection need not be unsettled in the writ petition. If any specific violation in respect of the guidelines or the judgment of the Hon'ble Supreme Court, they are at liberty to approach the competent authorities as well as the Court for the purpose of redressing their grievances and in the event of availability of prove to that extent.

8. With these observation, all the writ petitions are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary to Government,
School Education TRB Department,
St. George Fort, Chennai-9.

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

3. The Secretary,
Tamil Nadu Teachers Recruitment Board,
E.V.K. Sampath Maligai, DPI Compound,
Chennai.

+1cc to the Spl. Govt. Pleader Sr.No.71255

Ns
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NA (29.07.2019) 6p :5C