



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.19594 of 2015

and

M.P(MD)No.1 of 2015

P.Sriram

... Petitioner

Vs

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

2.The District Educational Officer,
Cheranmahadevi Educational District,
Office at Tirunelveli-1.

3.The Secretary,
Thilagar Vidhyalaya Higher Secondary School,
Kallidaikurichi,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the second respondent herein in vide his proceedings dated 09.09.2015 under reference number O.Mu.No.3840/Aa3/2015 (X.K.vz;.3840/M3/2015 ehs; 09.09.2015) and quash the same as illegal and approve the appointment of the petitioner as B.T.Assistant (History) in the 3rd respondent school and further direct the respondents 1 and 2 to release the grant in aid to the third respondent school towards the salary of the petitioner appointed as B.T.Assistant with effect from 16.07.2012 with arrears of salary by approve the petitioner's appointment.

For Petitioner : Mr.D.Nallathambi

For R1 & R2 : Mrs.S.Srimathy

Special Government Pleader

For R3 : No appearance

ORDER

Pursuant to the Right to Education Act, National Council for Teachers Education published the National Educational Policy and accordingly, the minimum educational qualification for appointment



of teachers in schools are prescribed and the same became mandatory in respect of all the appointments made in the Educational Institutions across the Country. The Government of Tamil Nadu implemented the National Policy by prescribing minimum educational qualification for appointment to the post of Teachers. As per the qualification prescribed, pass in Teachers Eligibility Test is a mandatory qualification.

2.The learned Special Government Pleader appearing on behalf of the respondents 1 to 3 brought to the notice of this Court that the writ petitioner has not passed Teachers Eligibility Test so far.

3.The learned counsel appearing on behalf of the petitioner that there was a delay in conducting the Teachers Eligibility Test examinations by State Government. The said statement is disputed by the learned counsel for the respondents. The Teachers Eligibility Tests are being conducted by the State Government right from the year 2011 onwards. This apart, the Central Government is also conducting the Teachers Eligibility Test twice in a year. A Teacher is entitled to participate both in the State Government Examinations as well as in the Central Government Examinations. Therefore, every year twice the Teachers Eligibility Tests are conducted by the Central Government and the State Government is also periodically conducting the said examinations. Therefore, very contentions of the writ petitioner that the tests are not conducted is incorrect. This apart, the Teachers Eligibility Test was prescribed in the year 2011 and time was extended then and there till the year 2018. For the past 8 years, the writ petitioner has not passed the Teachers Eligibility Test and now it became a mandatory qualification for appointment to the post of Teachers.

4.This being the factum, the case of the writ petitioner deserves no merit consideration. Only if the Teacher passed the Teachers Eligibility Test, approval of appointment can be granted and not otherwise. Under these circumstances, the writ petitioner cannot be construed as a qualified candidate for the purpose of grant of approval of appointment.

5.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (P&A)

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To

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

2.The District Educational Officer,
Cheranmahadevi Educational District,
Office at Tirunelveli-1.

+1cc to M/S SPECIAL GOVERNMENT PLEADER, Sr.No.73394

+1cc to M/S.D.Nallathambi, Advocate in SR.73358

W.P (MD) No.19594 of 2015
03.07.2019

PBK(17.07.2019) 3P 5C