



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.4504 of 2015

and

M.P. (MD)No.1 of 2015 and W.M.P. (MD)No.3171 of 2016

WEB COPY

S.Rani

... Petitioner

-Vs-

1.The District Elementary Educational Officer,
Madurai District, Madurai.

2.The Assistant Elementary Educational Officer,
Madurai West, Anaiyur, Madurai-625 107.

3.The Correspondent,
R.C.Middle School,
K.Pudur, Madurai-625 007.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents 1 and 2 to grant approval for appointment of the petitioner in the post of BT Assistant (History) Teacher in the third respondent school from the date of her appointment (i.e.,) on 30.06.2011 and to disburse all the monetary benefits to the petitioner for her service in the post of BT Assistant (History) in the third respondent school on the basis of the communication from the third respondent dated 27.06.2013, within a time frame fixed by this Court and further forbearing the respondents from terminating the service of the petitioner on account of non-availability of Teacher Eligibility Test Qualification.

For Petitioner : Mr.B.Saravanan
For R1 and R2 : Mrs.S.Srimathy,
Special Government Pleader.
For R3 : No Appearance

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the respondents 1 and 2 to grant approval for appointment of the writ petitioner for the post of B.T. Assistant (History) in the third respondent school from the date of her initial appointment.

2.The learned counsel appearing for the writ petitioner states that the writ petitioner was appointed as B.T. Assistant (History) in the third respondent school. The writ petitioner is fully qualified to hold the post of B.T Assistant (History). During the relevant point of time, the writ petitioner had not completed Teachers Eligibility Test Qualification and therefore, a number of



litigations were filed before the High Court and pursuant to the directions issued by the High Court, the teachers could be allowed to continue in service on condition that they passed the Teachers Eligibility Test Qualification for grant of approval of appointment.

3. Under the provisions of the Right to Education Act, the National Council for Teachers Education issued minimum educational qualification prescribed for appointment to the teaching cadres. Now, it became national policy and therefore, the Teachers Eligibility Test Qualification became a mandatory qualification for appointment to the teaching posts. Admittedly, the writ petitioner has not passed Teacher Eligibility Test Qualification till today.

4. The learned Special Government Pleader appearing on behalf of the respondents 1 and 2 states that the approval of appointment cannot be granted as per the rules in force, when the Government has issued clear instructions that approval of appointment can be granted only in the event of possessing the requisite qualification as prescribed in the rules.

5. In view of the fact that the writ petitioner has not possessed the requisite qualification of Teachers Eligibility Test, this Court cannot issue any directions to approve the appointment of the writ petitioner in the post of B.T. Assistant (History). Accordingly, the writ petitioner is not entitled for the relief as such sought for in the present Writ Petition.

6. With these observations, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The District Elementary Educational Officer,
Madurai District, Madurai.

2. The Assistant Elementary Educational Officer,
Madurai West, Anaiyur, Madurai-625 107.

+1 CC to SPL GP SR-72430.

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