



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.10.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.11599 of 2019

and

W.M.P. (MD)Nos.8838 and 8839 of 2019

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R.Kanimozhi

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai - 9.

2.The Director,
School Education Department,
D.P.I. Campus, College Road,
Chennai.

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

4.The District Educational Officer,
Trichy, Trichy District.

5.The Member Secretary,
Teacher Recruitment Board,
E.V.K. Sampath Maligai, DPI Compound,
Chennai.

6.National Council for Teacher Education,
Through its Chairman,
Hans Bhawan, Wing- II,
Bahadur Shah Zafar Marg,
New Delhi.

7.Swamivivekananda Vidhyalayam Higher Secondary School,
Rep. by its Secretary,
Vairichettipalayam,
Tiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, forbearing the respondents from insisting Teachers Eligibility Test as qualification for the writ petitioner as the petitioner was appointed prior to 15.11.2011 and as the petitioner's appointment was approved by the fourth respondent, w.e.f. 22.10.2010, without any condition.



For Petitioner : Mr.S.Manikandan
For R1 to R5 : Mrs.S.Srimathy
Special Government Pleader
For R6 : Mr.Su.Srinivasan

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ORDER

This Writ Petition has been filed seeking to forbear the respondents from insisting Teachers Eligibility Test as qualification for the writ petitioner, as the petitioner was appointed prior to 15.11.2011 and as the petitioner's appointment was approved by the fourth respondent, w.e.f. 22.10.2010, without any condition.

2.Heard Mr.S.Manikandan, learned counsel appearing on behalf of the petitioner, Mrs.S.Srimathy, learned Special Government Pleader appearing for the respondents 1 to 5 and Mr.Su.Srinivasan, learned counsel appearing for the sixth respondent.

3.The petitioner was appointed as B.T. Assistant (Maths) on 22.10.2010 at seventh respondent School in a sanctioned post, after obtaining prior permission from the authority. Her appointment as B.T. Assistant (Maths) was also approved by the authority.

4.According to the petitioner, the second respondent herein released a press news stating that they are going to terminate 1500 teachers, who had been appointed after 23.08.2010 and who does not possess Teachers Eligibility Test Certificate on or before March 2019. While so, to her shock and surprise, on the very next day of publication of press news, the petitioner's salary for the month of April 2019 was not processed by the fourth respondent. The petitioner submitted that when she was appointed on 22.10.2010, there was no requirement of pass in TET examination for appointment. The National Council for Teacher Education (hereinafter referred to as 'NCTE') has issued a notification, dated 23.08.2010, laying down the minimum qualifications for a person to be eligible for appointment as a Teacher in Class I to VIII. The first respondent issued Government Order in G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011, making the TET as mandatory for all the Teachers, who are working within the State. Initially, the Government conducted TET examination in the month of July, 2012 and the results were published only in the month of August, 2012.

5.The learned counsel appearing for the petitioner contended that this issue was already considered by the Division Bench of this Court and the Division Bench of this Court held that those, who were appointed prior to the issuance of G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011, cannot be compelled to pass in TET. In view of the said judgment, the Notification dated 23.08.2010, was amended on 29.07.2011, stating that the



qualification of TET is mandatory only from 29.07.2011 and the respondents cannot compel the petitioner to appear and pass in the TET Examination and therefore, he prayed for allowing this Writ Petition.

6.The issue whether a person, who was appointed as B.T. Assistant prior to the issuance of G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011, can be compelled to acquire a pass in TET Examination, is no longer *res integra*. The amended Notification issued by the NCTE makes it very clear that the qualification of TET is mandatory only from 29.07.2011. The Division Bench of this Court, in a batch of Writ Petitions, has considered these issues and held that the respondents cannot compel the Teachers similarly placed like the petitioner, to pass in TET Examination.

7.For the above reasons, this Writ Petition is allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Principal Secretary to Government of Tamil Nadu,
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Fort St. George, Chennai - 9.

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6.The Chairman,
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W.P. (MD) No.11599 of 2019
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