



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

**WP(MD) Nos.5626 to 5630, 5070 to 5074, 5455, 7296 to 7302 and 12727
to 12732 of 2017**

and connected Miscellaneous Petitions

WP(MD) .No.5626 of 2017 :

M.Maharani, Bt Assistant(History) Kshatriya Nadar Higher
Secondary School Kamuthi Ramanathapuram District - 623 603
...Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Secretary Department of
School Education Fort St.George, Chennai - 600 009
2. The Director of School Education College Road, Chennai - 600
006
3. The Chief Educational Officer
Ramanathapuram Ramanathapuram District
4. The District Educational Officer,
Paramakudi Ramanathapuram District
5. The Secretary, Kshatriya Nadar Higher Secondary School Kamuthi
Ramanathapuram District - 623 603

...Respondents

Prayer in WP(MD).No.5626 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue an appropriate Writ, Order or Direction in the nature of a WRIT OF MANDAMUS directing the respondents herein to forebear from insisting upon the petitioner to pass Teachers Eligibility Test(TET) for her employment as BT Assistant(History) in the 5th respondent school namely, Kshatriya Nadar Higher Secondary School, Kamuthi.

WP(MD) .No.5627 of 2017 :

A.Bavani Bt Assistant(Mathematics) D.D. Vinayagar Higher
Secondary School Ramnad District - 623 504

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Secretary Department of
School Education Fort St.George, Chennai - 600 009

<https://hcservices.ecourts.gov.in/hcservices/>

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



3. The Chief Educational Officer Ramnad, Ramnad District
4. The District Educational Officer,
Ramnad Ramnad District
5. The Secretary, D.D.Vinayagar Higher Secondary School
Ramnad District - 623 504

... Respondents

Prayer in WP(MD).No.5627 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue an appropriate Writ, Order or Direction in the nature of a WRIT OF MANDAMUS directing the respondents herein to forebear from insisting upon the petitioner to pass Teachers Eligibility Test(TET) for her employment as BT Assistant(Mathematics) in the 5th respondent school namely, D.D. Vinayagar Higher Secondary School, Ramnad District

WP(MD).No.5628 of 2017 :

G.Gunasekaran, Bt Assistant(Science) S.B.K.Higher Secondary School Aruppukottai Virudhunagar District - 626 101

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Secretary Department of School Education Fort St.George, Chennai - 600 009
2. The Director of School Education College Road, Chennai - 600 006
3. The Chief Educational Officer
Virudhunagar Virudhunagar District
4. The District Educational Officer,
Aruppukottai Virudhunagar District
5. The Secretary, S.B.K.Higher Secondary School
Aruppukottai Virudhunagar District - 626 101

... Respondents

Prayer in WP(MD).No.5628 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue an appropriate Writ, Order or Direction in the nature of a WRIT OF MANDAMUS directing the respondents herein to forebear from insisting upon the petitioner to pass Teachers Eligibility Test(TET) for her employment as BT Assistant(Science) in the 5th respondent school namely, S.B.K. Higher Secondary School, Aruppukottai.

WP(MD).No.5629 of 2017 :

M.Suriyakala Bt Assistant(Science) Sri Sethumanikam High School Melaseental, Mallal Post Ramnad District - 623 533

... Petitioner



- Vs. -

1. The State of Tamil Nadu Rep by its Secretary Department of School Education Fort St.George, Chennai - 600 009
 2. The Director of School Education College Road, Chennai - 600 006
 3. The Chief Educational Officer Ramnad, Ramnad District
 4. The District Educational Officer, Ramnad, Ramnad District
 5. The Secretary, Sri Sethumanikam High School Melaseehtai, Mallal Post Ramnad District - 623 533
- ...Respondents

Prayer in WP(MD).No.5629 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue an appropriate Writ, Order or Direction in the nature of a WRIT OF MANDAMUS directing the respondents herein to forbear from insisting upon the petitioner to pass Teachers Eligibility Test(TET) for her employment as BT Assistant(Science) in the 5th respondent school namely, SRI SETHUMANIKAM HIGH SCHOOL MELASEEHTAI, RAMNAD DISTRICT.

WP(MD).No.5630 of 2017 :

P.Anandakumar Secondary Grade Teacher, Barathi Primary School, Deivachilainaloor-623 533, Ramnad District

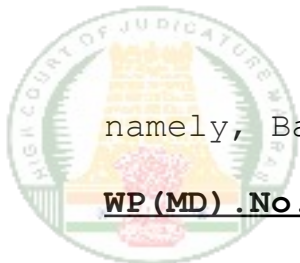
... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Secretary Department of School Education Fort St.George, Chennai - 600 009
 2. The Director of Elementary Education, College Road, Chennai - 600 006
 3. The District Elementary Educational Officer, Ramnad, Ramnad District.
 4. The Assistant Elementary Educational Officer, Thirupulani, Ramnad District.
 5. The Secretary, Barathi Primary School, Deivachilainaloor-623 533 Ramnad District.
- ... Respondents

Prayer in WP(MD).No.5630 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue an appropriate Writ, Order or Direction in the nature of a WRIT OF MANDAMUS directing the respondents herein to forbear from insisting upon the petitioner to pass Teachers Eligibility Test(TET) for his employment as Secondary Grade Teacher in the 5th respondent school



namely, Barathi Primary School, Deivachilainaloor, Ramad District.

WP(MD).No.5070 of 2017 :

G.Selvakumar Bt Assistant(Mathematics) Setupati Higher Secondary School No.2 North Veli Street Madurai District-625001

... Petitioner in WP(MD).No.5070 of 2017

- Vs. -

1. The State of Tamil Nadu Rep by its Secretary,
Department of School Education Fort.St.George,
Chennai-600 009
2. The Director of School Education College Road,
Chennai-600 006
3. The Chief Educational Officer Madurai - 625 002
4. The District Educational Officer
Madurai - 625 002 Madurai District
5. The Secretary/correspondent
Setupati Higher Secondary School No.2 North Veli Street
Madurai District - 625 001

... Respondents

Prayer in WP(MD).No.5070 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue an appropriate Writ, order or Direction in the nature of a WRIT OF MANDAMUS directing the respondents herein to forebear from insisting upon the petitioner to pass Teachers Eligibility Test(TET) for his employment as BT Assistant (Mathematics) in the 5th respondent school namely Sethupathi Higher Secondary School, Madurai.

WP(MD).No.5071 of 2017 :

R.Kala, Bt Assistant (Science) Madura College Higher Secondary School R.M.S.Road - 625 001 Madurai District

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Secretary Department of
School Education Fort St. George, Chennai - 600 009
2. The Director of School Education College Road,
Chennai - 600 006
3. The Chief Educational Officer
Madurai - 625 002 Madurai District
4. The District Educational Officer,
Madurai 625 002 Madurai District



5. The Secretary/correspondent Madura College Higher Secondary School R.M.S.Road - 625 001 Madurai District
... Respondents

Prayer in WP(MD).No.5071 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue an appropriate Writ, Order or Direction in the nature of a WRIT OF MANDAMUS directing the respondents herein to forebear from insisting upon the petitioner to pass Teachers Eligibility Test(TET) for her employment as BT Assistant(Science) in the 5th respondent school namely, Madura College Higher Secondary School, Madurai.

WP(MD).No.5072 of 2017 :

K.Manikandan Bt Assistant (Science), Madura College Higher Secondary School R.M.S. Road 625 001, Madurai District.
... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Secretary Department of School Education Fort St. George, Chennai - 600 009
2. The Director of School Education College Road, Chennai - 600 006
3. The Chief Educational Officer Madurai - 625 002 Madurai District
4. The District Educational Officer, Madurai 625 002 Madurai District
5. The Secretary/correspondent Madura College Higher Secondary School R.M.S.Road - 625 001 Madurai District
... Respondents

Prayer in WP(MD).No.5072 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS directing the respondents herein to forbear from insisting upon the petitioner to pass Teachers Eligibility Test (TET) for his employment as BT Assistant (Science) in the 5th respondent school namely, Madura College Higher Secondary School, Madurai

WP(MD).No.5073 of 2017 :

N.Mahesh Bt Assistant (Science), Madura College Higher Secondary School, R.M.S. Road- 625 001, Madurai District
... Petitioner

- Vs. -



1. The State of Tamil Nadu Rep by its Secretary Department of School Education, Fort St.George, Chennai-600 009
 2. The Director of School Education, College Road, Chennai-600 006
 3. The Chief Educational Officer Madurai-625 002, Madurai District
 4. The District Educational Officer Madurai- 625 002, Madurai District
 5. The Secretary/ Correspondent Madura College Higher Secondary School R.M.S. Road-625 001, Madurai District
 6. The Secretary/ Correspondent Setupati Higher Secondary School No.2, North Veli Street, Madurai District- 625 001
- ... Respondents

Prayer in WP(MD).No.5073 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue an appropriate writ, order or direction in the nature of a writ of mandamus directing the respondents herein to forebear from insisting upon the petitioner to pass teachers eligibility test (TET) for his employment as BT Assistant (Science) in the 5th respondent school namely, Madura college higher secondary school, Madurai.

WP(MD).No.5074 of 2017 :

S.Pulamuthu Boothalingam, Bt Assistant (Social Science), Madura College Higher Secondary School, Rms Road - 625 001, Madurai District

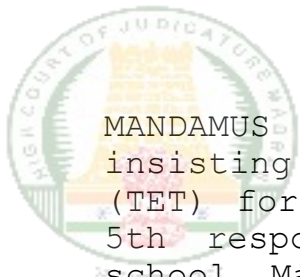
... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Secretary Department of School Education Fort St. George, Chennai - 600 009
 2. The Director of School Education College Road, Chennai - 600 006
 3. The Chief Educational Officer Madurai - 625 002 Madurai District
 4. The District Educational Officer, Madurai 625 002 Madurai District
 5. The Secretary/correspondent Madura College Higher Secondary School R.M.S.Road - 625 001 Madurai District
- ... Respondents

Prayer in WP(MD).No.5074 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF



MANDAMUS directing the respondents herein to forebear from insisting upon the petitioner to pass Teachers Eligibility Test (TET) for his employment as BT Assistant (Social Science) in the 5th respondent school namely, Madura College Higher secondary school, Madurai

WP (MD) .No.5455 of 2017 :

V.Sekar Bt Assistant (Mathematics) Sundaram Middle School,
Ariyanednal Post, Paramakudi-623 707, Ramanad District.

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep by its Secretary Department of School Education, Fort St. George, Chennai 600 009.
2. The Director of School Education, College Road, Chennai 600 006.
3. The District Elementary Educational Officer, Ramnad, Ramnad District.
4. The Assistant Elementary Educational Officer, Paramakudi , Ramanad District.
5. The Secretary/correspondent Sundaram Middle School, Ariyanednal Post, Paramakudi , Ramnad District.

... Respondents

Prayer in WP(MD).No.5455 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to forbear from insisting upon the petitioner to pass Teachers Eligibility Test (TET) for his employment as BT Assistant (Mathematics) in the 5th respondent school namely, Sundaram Middle School, Ariyanendal, Paramakudi.

WP (MD) .No.7296 of 2017 :

R.Lenin, B.T. Assistant (Science) M.Ct.M. Chidambaram Chettiyar
Higher Secondary School, Kanadukathan 630 103, Sivagangai Dist

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep. by its Principal Secretary, Department of School Education, Fort St. George, Chennai -09.
2. The Director of Elementary Education, Directorate of Elementary Education, Chennai 06.
3. The District Education Officer, Devakottai, Sivagangai District.
4. The Chairman, Teachers Recruitment Board, Evk Sampath Maligai, Dpi Compound, College Road, Chennai 06.

... Respondents



Prayer in WP(MD).No.7296 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus forbearing the Respondents from compelling the petitioner to acquire a pass in TET for continuance in the post of B.T.Assistant (Science) at M.C.T.M. Chidambaram Chettiyar Higher Secondary School, Kanadaukathan 630 103, Sivagangai District by taking note of the appointment on 01.04.2011, prior to the issuance of G.O.Ms.No.181, School Education, dated 15.11.2011.

WP(MD).No.7297 of 2017 :

S.Rajangam, Secondary Grade Teacher, T.P.V.V.U.Middle School, Chinnamanur - 625 515, Theni District.

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep. by its Principal Secretary, Department of School Education, Fort St.George, Chennai -09.
2. The Director of Elementary Education, Directorate of Elementary Education, Chennai 06.
3. The District Elementary Education Officer, Theni, Theni District.
4. The Chairman, Teachers Recruitment Board, Evk Sampath Maligai, Dpi Compound, College Road, Chennai 06.

... Respondents

Prayer in WP(MD).No.7297 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus forbearing the Respondents from compelling the petitioner to acquire a pass in TET for continuance in the post of Secondary Grade Teacher at T.P.V.V.U.Middle School, Chinnamanur - 625 515, Theni District, by taking note of the appointment on 01.12.2010, prior to the issuance of G.O.Ms.No.181, School Education, dated 15.11.2011.

WP(MD).No.7298 of 2017 :

K.G.Jayapriya, B .T.Assistant(Science), S.M.R.V.Higher Secondary School, Vadaseri, Nagercoil-01, Kanyakumari District.

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep. by its Principal Secretary, Department of School Education, Fort St.George, Chennai-09.



2. The Director of School Education,
Directorate of School Education, Chennai-06.
3. The District Education Officer
Nagercoil, Kanyakumari District.

4. The Chairman, Teachers Recruitment Board,
Evk Sampath Maligai, Dpi Compound,
College Road, Chennai-06.

... Respondents

Prayer in WP(MD).No.7298 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from compelling the petitioner to acquire a pass in TET for continuance in the post of B.T.Assistant Science at S.M.R.V. Higher Secondary School, Nagercoil- 629001, Kanyakumari District, by taking note of the appointment on 3.1.2011, prior to the issuance of G.O.Ms.NO. 181, School Education, dated 15.11.2011.

WP(MD).No.7299 of 2017 :

T.Rajan, B.T.Assistant (Science), S.M.R.V.Higher Secondary School, Vadaseri, Nagercoil - 629 001, Kanyakumari District.

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep. by its Principal Secretary,
Department of School Education, Fort St. George, Chennai - 09
2. The Director of School Education,
Directorate of School Education, Chennai - 06
3. The District Education Officer Nagercoil,
Kanyakumari District.
4. The Chairman, Teachers Recruitment Board,
Evk Sampath Maligai, Dpi Compound, College Road, Chennai - 06

... Respondents

Prayer in WP(MD).No.7299 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus forbearing the respondents from compelling the petitioner to acquire a pass in TET for continuance in the post of B.T.Assistant Science at S.M.R.V. Higher Secondary School, Nagercoil - 629 001, Kanyakumari District, by taking note of the appointment on 01.06.2011 prior to the issuance of G.o.Ms.No.181, School Education, dated 15.11.2011.

**WP (MD) .No.7300 of 2017 :**

D.Chandrasekaran B.T.Assistant (English) Sathiyamoorthy Memorial
Middle School, Aranthangi 614 616, Pudukottai Dist

... Petitioner

- Vs. -

1. The State of Tamilnadu Rep. by its Principal Secretary,
Department of School Education, Fort.St.George, Chennai-09
 2. The Director of Elementary Education, Directorate of
Elementary Education, Chennai 06
 3. The District Elementary Education Officer,
Pudukottai, Pudukottai Dist
 4. The Chairman Teachers Recruitment Board,
Evk Sampath Maligai, Dpi Compound, College Road, Chennai 06
- ... Respondents

Prayer in WP(MD).No.7300 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus forbearing the Respondents from compelling the petitioner to acquire a pass in TET for continuance in the post of B.T.Assistant (English) by taking note of the appointment on 23.02.2011, prior to the issuance of G.O.Ms.No.181, School Education, dated 15.11.2011.

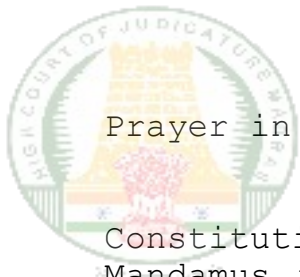
WP (MD) .No.7301 of 2017 :

S.Geetha, Secondary Grade Teacher, Palayavanam Andavarayar
Memorial Middle School, Aranthangi - 614 616, Pudukottai District.

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep. by its Principal Secretary,
Department of School Education, Fort St.George, Chennai -09.
 2. The Director of Elementary Education,
Directorate of Elementary Education, Chennai 06.
 3. The District Elementary Education Officer,
Pudukottai, Pudukottai District.
 4. The Chairman, Teachers Recruitment Board,
Evk Sampath Maligai, Dpi Compound, College Road, Chennai 06.
- ... Respondents



Prayer in WP(MD).No.7301 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Mandamus forbearing the Respondents from compelling the petitioner to acquire a pass in TET for continuance in the post of Secondary Grade Teacher at Palayavanam Andavarayar Memorial Middle School, Aranthangi - 614 616, Pudukottai District, by taking note of the appointment on 22.10.2010, prior to the issuance of G.O.Ms.No.181, School Education, dated 15.11.2011.

WP(MD).No.7302 of 2017 :

S.Subanadevi, B .T.Assistant(Tamil), Sathiyamoorthy Memorial Middle School, Aranthangi- 614616, Pudukottai District.

... Petitioner

- Vs. -

1. The State of Tamil Nadu Rep. by its Principal Secretary, Department of School Education, Froth St.George, Chennai-09.
2. The Director of Elementary Education, Directorate of School Education, Chennai-06.
3. The District Elementary Education Officer, Pudukottai, Pudukottai District.
4. The Chairman, Teachers Recruitment Board, Evk Sampath Maligai, Dpi Compound, College Road, Chennai-06.

... Respondents

Prayer in WP(MD).No.7302 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, forbearing the respondents from compelling the petitioner to acquire a pass in TET for continuance in the post of B.T.Assistant (Tamil) by taking not of the appointment on 23.02.2011, prior to the issuance of G.O.Ms.No.181, School Education, dated 15.11.2011.

WP(MD).No.12727 of 2017 :

K.Karthigai Ramu Bt Assistant (Mathematics) Ayira Vaisiya Higher Secondary School, Paramakudi 623 707, Ramanathapuram Dist

... Petitioner

- Vs. -



1. The State of Tamil Nadu, Rep.By its Secretary, Department of School Education, Fort.St.George, Chennai 600 009

2. The National Council For Teacher Education, Hans Bhawan, Wing II, No.1, Bhagadur Shah Zafar Marg., New Delhi 110 002

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

4. The Chief Educational Officer, Ramanathapuram, Ramanathapuram Dist

5. The District Educational Officer, Paramakudi, Ramanathapuram Dist

6. The Secretary,,Ayira Vaisiya Higher Secondary School, Paramakudi 623 707, Ramanathapuram Dist

... Respondents

Prayer in WP(MD).No.12727 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to forebear from insisting upon the petitioner to pass Teachers Eligibility Test (TET) for his employment as BT Assistant (Mathematics) in the 6th respondent school namely, Ayir Vaisiya Higher Secondary School, Paramakudi, Madurai.

WP(MD).No.12728 of 2017 :

M.K.Pitchai Manickam Bt Assistant (Mathematics) Ayira Vaisiya Higher Secondary School, Paramakudi 623 707, Ramanathapuram Dist

... Petitioner

- Vs. -

1. The State of Tamil Nadu, Rep.By its Secretary, Department of School Education, Fort.St.George, Chennai 600 009

2. The National Council For Teacher Education, Hans Bhawan, Wing II, No.1, Bhagadur Shah Zafar Marg., New Delhi 110 002

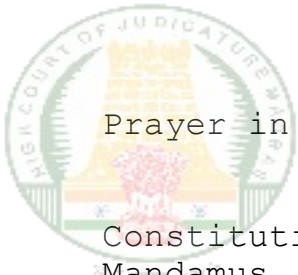
3. The Director of School Education, College Road, Chennai 600 006

4. The Chief Educational Officer, Ramanathapuram, Ramanathapuram Dist

5. The District Educational Officer, Paramakudi, Ramanathapuram Dist

6. The Secretary Ayira Vaisiya Higher Secondary School, Paramakudi 623 707, Ramanathapuram Dist

... Respondents



Prayer in WP(MD).No.12728 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to forebear from insisting upon the petitioner to pass Teachers Eligibility Test (TET) for his employment as BT Assistant (Mathematics) in the 6th respondent school namely, Ayir Vaisiya Higher Secondary School, Paramakudi, Ramanathapuram District.

WP(MD).No.12729 of 2017 :

B.Vimala, Bt Assistant (Science) Ayira Vaisiya Higher Secondary School, Paramakudi -623 707, Ramanathapuram Dist
... Petitioner

- Vs. -

1. The State of Tamil Nadu, Rep.By its Secretary, Department of School Education, Fort.St.George, Chennai 600 009
2. The National Council For Teacher Education, Hans Bhawan, Wing II, No.1, Bhagadur Shah Zafar Marg., New Delhi 110 002
3. The Director of School Education, College Road, Chennai 600 006
4. The Chief Educational Officer, Ramanathapuram, Ramanathapuram Dist
5. The District Educational Officer, Paramakudi, Ramanathapuram Dist
6. The Secretary, Ayira Vaisiya Higher Secondary School, Paramakudi 623 707, Ramanathapuram Dist

... Respondents

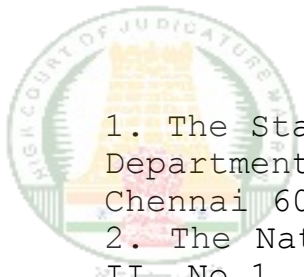
Prayer in WP(MD).No.12729 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to forebear from insisting upon the petitioner to pass Teachers Eligibility Test (TET) for his employment as BT Assistant (Science) in the 6th respondent school namely, Ayira Vaisiya Higher Secondary School, Paramakudi, Ramanathapuram District.

WP(MD).No.12730 of 2017 :

A.Vijayalakshmi, Bt Assistant (Science) Ayira Vaisiya Higher Secondary School, Paramakudi 623 707, Ramanathapuram District.

... Petitioner



1. The State of Tamil Nadu, Rep.By its Secretary,
Department of School Education, Fort.St.George,
Chennai 600 009
2. The National Council For Teacher Education, Hans Bhawan, Wing
II, No.1, Bahadur Shah Zafar Marg, New Delhi 110 002.
3. The Director of School Education, College Road,
Chennai 600 006
4. The Chief Educational Officer, Ramanathapuram,
Ramanathapuram Dist
5. The District Educational Officer, Paramakudi,
Ramanathapuram Dist
6. The Secretary Ayira Vaisiya Higher Secondary School,
Paramakudi 623 707, Ramanathapuram Dist

... Respondents

Prayer in WP(MD).No.12730 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to forebear from insisting upon the petitioner to pass Teachers Eligibility Test (TET) for her employment as BT Assistant (Science) in the 6th respondent school namely, Ayira Vaisiya Higher Secondary School, Paramakudi, Ramanathapuram District.

WP(MD).No.12731 of 2017 :

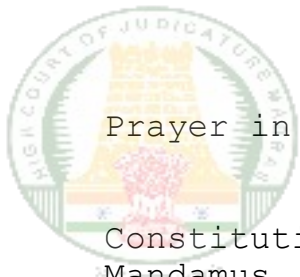
R.Shyamaladevi Bt Assistant (Mathematics) Ayira Vaisiya Higher
Secondary School, Paramakudi 623 707, Ramanathapuram Dist

... Petitioner

- Vs. -

1. The State of Tamil Nadu, Rep.By its Secretary, Department of
School Education, Fort.St.George, Chennai 600 009
2. The National Council For Teacher Education, Hans Bhawan, Wing
II, No.1, Bhagadur Shah Zafar Marg., New Delhi 110 002
3. The Director of School Education, College Road,
Chennai 600 006
4. The Chief Educational Officer,
Ramanathapuram, Ramanathapuram Dist
5. The District Educational Officer,
Paramakudi, Ramanathapuram Dist
6. The Secretary Ayira Vaisiya Higher Secondary School,
Paramakudi 623 707, Ramanathapuram Dist

... Respondents



Prayer in WP(MD).No.12731 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to forebear from insisting upon the petitioner to pass Teachers Eligibility Test (TET) for his employment as BT Assistant (Mathematics) in the 6th respondent school namely, Ayir Vaisiya Higher Secondary School, Paramakudi, Ramanathapuram District.

WP(MD).No.12732 of 2017 :

P.Thenmozhi Bt Assistant (English) Ayira Vaisiya Higher Secondary School, Paramakudi 623 707, Ramanathapuram Dist

... Petitioner

- Vs. -

1. The State of Tamil Nadu, Rep.By its Secretary, Department of School Education, Fort.St.George, Chennai 600 009
2. The National Council For Teacher Education, Hans Bhawan, Wing II, No.1, Bhagadur Shah Zafar Marg., New Delhi 110 002
3. The Director of School Education, College Road, Chennai 600 006
4. The Chief Educational Officer, Ramanathapuram, Ramanathapuram Dist
5. The District Educational Officer, Paramakudi, Ramanathapuram Dist
6. The Secretary Ayira Vaisiya Higher Secondary School, Paramakudi 623 707, Ramanathapuram Dist

... Respondents

Prayer in WP(MD).No.12732 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents herein to forebear from insisting upon the petitioner to pass Teachers Eligibility Test (TET) for his employment as BT Assistant (English) in the 6th respondent school namely, Ayir Vaisiya Higher Secondary School, Paramakudi, Ramanathapuram District.

For Petitioner : Mr. T.CIBI CHAKARABORTHY, Advocate
in WP(MD).Nos.5626 TO 5630, 5070 TO
5074 and 5455 of 2017
: Mr.T.LAJAPATHY ROY, Advocate
In WP(MD).Nos.7296 to 7302 of 2017
: Mr.K.RAGATHEESH KUMAR, Advocate
in WP(MD).Nos.12727 TO 12732 of 2017



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For Respondent : Mrs. S.SRIMATHI, Special Government
Pleader on behalf of the Respondents
1 to 4 in all cases in WP(MD).Nos.5626
TO 5630, 5070 TO 5074 and 5455 of 2017
and WP(MD).Nos.7296 to 7302 of 2017
and Respondents No.1, 3 to 5 in WP(MD).
Nos.12727 TO 12732 of 2017

: Mr.T.LAJAPATHY ROY, Advocate for 5th
Respondent in WP(MD).Nos.5626 TO
5630, 5070 TO 5074 and 5455 of 2017

COMMON ORDER

The relief sought in these writ petitions is to forbear the respondents from insisting upon the petitioners to pass 'Teachers Eligibility Test' (TET) for continuing their service as B.T. Assistants in the respondent Schools.

2.Since the issue involved in all these writ petitions is one and the same, they are heard together and disposed of, by this common order.

3.The facts in brief germane for the disposal of these writ petitions, are as follows:

(i)The petitioners are eligible for the post of B.T. Assistants, as per the qualifications prescribed under the Tamil Nadu Recognised Private Schools (Regulation) Act and the Rules made thereunder. After following necessary formalities, the respondent Schools appointed the petitioners in the sanctioned vacancies arisen out of promotion, deployment, retirement, transfer, etc. Thereafter, they submitted proposals to the District Educational Officers concerned, for approval of the appointments of the petitioners, so as to receive the grant-in-aid towards their salary and allowances. The District Educational Officers, in turn, approved the appointments of the petitioners as B.T. Assistants, with effect from their respective dates of appointment. Pursuant to the same, the petitioners have been continuing to work as such and receiving salary.

(ii)While so, the Government issued G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011, (for brevity, G.O.Ms.No.181) wherein, it was specified that the teachers, who do not possess the minimum qualification of pass in TET, shall acquire the same, within a period of five years. Consequently, as per the proceedings of the second respondent/ Director of School Education, Chennai, in Na.Ka.No.3416/D1/2013, dated 01.03.2017, the District Educational Officers insisted the petitioners to get qualified in TET, in order to continue in the said post of B.T. Assistants. Further, they instructed the respondent Schools to submit a list of teachers, who are employed without the qualification of pass in TET and if they do not get qualified in the next TET, they would be relieved from their services. Aggrieved over the same, the petitioners are before this Court with the present writ petitions



with the aforesaid prayer.

4. The learned Senior Counsel appearing for the petitioners emphatically contended that the petitioners possess the requisite qualification for being appointed as B.T. Assistants as prescribed under the Tamil Nadu Recognised Private Schools (Regulation) Act; they were appointed as such, in the sanctioned posts; and their appointments were also approved by the concerned District Educational Officers; the petitioners were appointed prior to G.O.Ms.No.181; the Chief Educational Officers, while granting permission to fill up the posts, have not imposed any such condition i.e., pass in TET; and there was no such qualification prescribed either in the notification issued to fill up the said posts or at the time of appointment and as such, the condition to pass in TET imposed on the petitioners for continuing their service as B.T Assistants is arbitrary, illegal and contrary to law. Thus, the learned Senior Counsel prayed for appropriate direction to the respondents, not to insist the petitioners to pass in TET for continuing their service.

5. Repudiating the contentions so made by the learned Senior Counsel for the petitioners, the learned Special Government Pleader appearing for the respondent authorities submitted that when the Teachers, who have not qualified themselves with a pass in TET, have been appointed in violation of G.O.Ms.No.181, the direction issued by the respondent authorities to the petitioners through the competent authorities to get qualified in TET, cannot be said to be arbitrary or unreasonable, particularly, when G.O.Ms.No.181 made it clear that the Teachers to be appointed after the issuance of said G.O., must be qualified with a pass in TET and the Teachers, who were appointed prior to the said G.O., have to acquire the qualification of a pass in TET within a period of five years. The learned Special Government Pleader further submitted that due to unexpected and unavoidable circumstances on the administrative side, the Teachers Recruitment Board could not conduct the Teacher Eligibility Test after 2013; they are taking steps to conduct the TET in the near future; and the same cannot be taken advantage of by the Teachers, who were appointed prior to the issuance of G.O.Ms.No.181 by seeking exemption from passing TET.

6. This Court paid its thoughtful consideration to the rival submissions and perused the documents filed in the form of typed set of papers.

7. By this medium of writ petitions, the petitioners sought a direction to the respondent authorities not to insist them to pass TET/exempt them from passing TET, for serving as B.T. Assistants in the respondent Schools. According to them, they possess the requisite qualification as prescribed under the Tamil Nadu Recognised Private Schools (Regulation) Act and Rules; they were appointed prior to the issuance of G.O.Ms.No.181 and at the time of appointment, there was no such qualification prescribed by the



respondent authorities to pass in TET. It is the further case of the petitioners that the Division Bench of this Court in W.A.No.1126/2015 etc. batch, held that the teachers, who were appointed after issuance of G.O.Ms.No.181, need to pass TET in the next examination in order to continue in service; there is no mention with regard to acquiring TET certificate to the teachers, who were appointed prior to the issuance of the said G.O.; and the Teachers Recruitment Board has not conducted TET examination in regular intervals and hence, they sought exemption from passing TET examination. The relief sought for in these writ petitions has been refuted on the side of the respondents.

8. For an effective and efficacious adjudication of the controversy centering around the present writ petitions, the background to the Government Order i.e., G.O.Ms.No.181 is to be looked into, which is as follows:

8.1 The Right of Children to free and Compulsory Education Act, 2009 (in short the "RTE Act") came into force with effect from 01.04.2010, as per Section 23(1) of which, the National Council for Teacher Education (NCTE) has been appointed as the Academic Authority by Government of India, to lay down the minimum qualification for a person to be eligible for appointment as a teacher.

8.2 The said Academic Authority viz., NCTE, by notification dated 23.08.2010, laid down the minimum qualification as a pass certificate in TET for a person to be eligible for appointment as a teacher for the classes I to VIII in "School" referred to in Clause 2(n) of the RTE Act. However, Clause (5) of the said notification dated 23.08.2010 made it clear that if the process of appointment of Teachers was initiated prior to the date of notification by issuing advertisement, such appointments to be made in accordance with NCTE (Determination of Minimum Qualifications for Recruitment of Teachers in Schools) Regulations, 2001.

(Emphasis Applied)

8.3 The NCTE also issued a set of Guidelines, by their Memorandum dated 11.02.2011, for the conduct of the TET and Paragraph 9 of the said Guidelines is apposite to be extracted:

"9. A person who scores 60% or more in the TET exam will be considered as TET pass. School managements (Government, local bodies, government aided and unaided)

(a) may consider giving concessions to persons belonging to SC/ST, OBC, differently abled persons, etc. In accordance with their extant reservation policy;

(b) should give weightage to the TET scores in the recruitment process; however, qualifying the TET would not confer a right on any person for recruitment/employment as it is only one of the eligibility criteria for appointment."



8.4 Subsequently, by notification dated 29.07.2011, the NCTE amended its earlier notification dated 23.08.2010. Clause (5) of the said amended notification reads as under:

"5(a). Teacher appointed after the date of this Notification in certain cases:-

Where an appropriate Government or local authority or a school has issued an advertisement to initiate the process of appointment of teachers prior to the date of this Notification, such appointments may be made in accordance with the NCTE (Determination of Minimum Qualifications for Recruitment of Teachers in Schools) Regulations, 2001 (as amended from time to time)

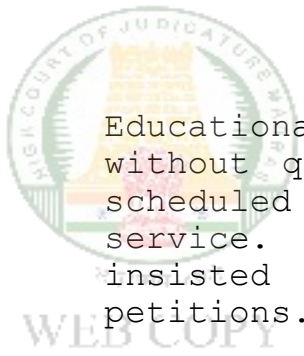
(b) The minimum qualification norms referred to in this Notification apply to teachers of Languages, Social Studies, Mathematics, Science, etc. In respect of teachers for Physical Education, the minimum qualification norms for Physical Education teachers referred to in NCTE Regulation dated 3rd November, 2001 (as amended from time to time) shall be applicable. For teachers of Art Education, Craft Education, Home Science, Word Education, etc. the existing eligibility norms prescribed by the State Government and other school managements shall be applicable till such time the NCTE lays down the minimum qualifications in respect of such teachers. As far as we are concerned, Clause 5(a) is relevant for these cases.

(Emphasis Applied)

8.5 Accepting the aforesaid recommendation and the notification issued by the NCTE, the Government of Tamil Nadu has issued G.O.Ms.No.181, as per which, the persons, who were appointed as Secondary Grade Teachers or B.T. Assistants, prior to the said G.O., have to pass the TET, within a period of five years and the Teachers Recruitment Board is designated as the Nodal Agency for conducting of TET and recruitment of Teachers.

8.6 In the meantime, the Supreme Court, in *Pramati Educational and Cultural Trust and Others Vs. Union of India and Others* [(2014) 4 MLJ 486 (SC)] held that the RTE Act itself is not applicable to the Minority Educational Institutions. Following the same, a Division Bench of this Court in *the Secretary to Government v. S.Jeyalakshmi* [2016 (5) CTC 639], by judgment dated 24.08.2016, quashed G.O.Ms.No.181 insofar as its applicability to Minority Educational Institutions, holding that the teachers appointed in Minority Educational Institutions need not possess the TET qualification.

8.7 Thereafter, another Division Bench of this Court, by judgment dated 24.01.2017 in WA.No.1126 of 2016 etc. batch, extensively dealt with the issue involved herein and observed in paragraph Nos.33 to 36 and 41 to 43 as follows:



Educational Officers, whereby, the teachers, who were appointed without qualification of TET, were directed to get pass in TET scheduled to be held on 30.04.2017, in order to continue in service. Based on the said proceedings, the petitioners were insisted to qualify themselves with TET. Hence, these writ petitions.

9. From the aforesaid Government Orders and the decisions rendered by the Division Bench of this Court, it is manifestly clear that (i) TET shall be conducted by the Teachers Recruitment Board in accordance with the guidelines framed by the National Council for Teacher Education; it has prescribed a set of guidelines for the conduct of TET in the Annexure; it has also specified that the teachers working in unaided private schools are required to pass TET within a period of five years and the Secondary Grade Teachers should also pass TET forthwith, apart from the minimum qualifications; and further, it is mandatory for all the State Governments to recruit Secondary Grade and B.T. Teachers only by conducting a TET. (ii) As per the decision rendered by the Division Bench of this Court dated 24.08.2016, G.O.Ms.No.181 is not applicable to the minority institutions; and (iii) Another Division Bench of this Court in W.A.No.1126/2016 etc. batch, vide order dated 24.01.2017, held that the teachers, who have been appointed subsequent to the issuance of the G.O., were granted one opportunity to appear for the TET to be conducted by the Teachers Recruitment Board and in the event of their passing in TET, their appointments shall be approved, else they have no other option but to quit the service/ousted from service.

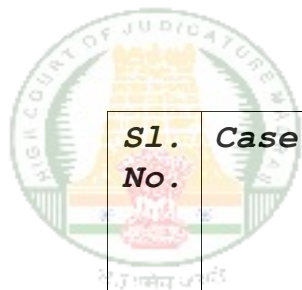
10. However, there is no cut off date specified in the said G.O.Ms.No.181, with regard to acquiring the qualification of pass TET to continue in service as B.T Assistants /Secondary Grade Teachers, who are working as such in the respondent Schools. In this regard, a cursory glance at Clause (5) of the notification dated 23.08.2010 and its amended notification dated 29.07.2011 issued by the NCTE, the contents of which are reproduced at paragraph nos.8.2 and 8.4 above, would reveal that if the process of appointment of teachers was initiated prior to the date of notification by issuing advertisement, such appointments have to be made in accordance with NCTE (Determination of Minimum Qualifications for Recruitment of Teachers in Schools) Regulations, 2001 and the same was amended with effect from 29.07.2011. As per the said NCTE Regulations 2001, there is no qualification prescribed with regard to possession of TET certificate, for appointment to the post of B.T Assistant and Secondary Grade Teachers. The qualification of passing TET was first introduced by the notification dated 23.08.2010 and it was amended vide notification dated 27.09.2011. Thus, it could be inferred that the cut off date for acquiring the TET qualification is 27.09.2011 and the teachers, who were appointed prior to that date need not pass TET and even in the case of the teachers who were appointed after that date, if the advertisement to initiate the process of



appointment of teachers was made prior to that date, then, their appointments also can be in accordance with the NCTE Regulations 2001 and they need not acquire the TET qualification.

11. In the above backdrop, the subject matter in issue to be determined is as to whether the petitioners were appointed before the cut off date and they are entitled to get exemption from passing TET. Concededly, some of the petitioners were appointed, after issuance of notification and prior permission was obtained from the Chief Educational Officers, whereas, some of the petitioners were appointed against the sanctioned vacancies and the same was approved subsequently by the District Educational Officers/District Elementary Educational Officers and thus, the appointment of all the petitioners was approved by the competent authorities. To appreciate the same, the details of the appointment of the petitioners, as culled out from the materials placed on record, are tabulated as under:

Sl. No.	Case No.	Name of the petitioner	Prior Permission granted by CEO/DEEO	Date of appointment	Approval granted by the competent authority
1	WP (MD) No.5070/2017	G.Selvakumar	Mu.Mu.No.5759/Aa1/2011 dated 21.06.2011	15.09.2011	D.Dis.No.824 6/A4/2011 dated 26.11.2011
2	WP (MD) No.5071/2017	R.Kala	Mu.Mu.No.5760/Aa1/2011 dated 21.06.2011	15.09.2011	D.Dis.No.814 5/A4/2011 dated 21.11.2011
3	WP (MD) No.5072/2017	K.Mani-kandan	Mu.Mu.No.5762/Aa1/2011 dated 21.06.2011	15.09.2011	D.Dis.No.814 6/A4/2011 dated 21.11.2011
4	WP (MD) No.5073/2017	N.Mahesh	Mu.Mu.No.5761/Aa1/2011 dated 21.06.2011	15.09.2011	D.Dis.No.824 7/A4/2011 dated 26.11.2011
5	WP (MD) No.5074/2017	S.Pulamuthu Boothalingam	Mu.Mu.No.5763/Aa1/2011 dated 21.06.2011	15.09.2011	D.Dis.No.814 7/A4/2011 dated 21.11.2011
6	WP (MD) No.5626/2017	M.Maharani	Mu.Mu.No.10137/Aa2/2010 dated 28.01.2011	28.02.2011	Na.Ka.No.126 3/Aa4/2011 dated 18.03.2011



Sl. No.	Case No.	Name of the petitioner	Prior Permission granted by CEO/DEEO	Date of appointment	Approval granted by the competent authority
7	WP (MD) No.5627/2017	A.Bavani	Mu.Mu.No.1739/Aa2/2011 dated 15.03.2011	25.08.2011	Ni.Mu.No.4803/A4/2011 dated 16.09.2011
8	WP (MD) No.5628/2017	G.Gunasekaran	-	17.12.2010	Ni.Mu.No.1172/A2/2011 dated 11.04.2011
9	WP (MD) No.5629/2017	M.Suriyakala	Mu.Mu.No.1838/Aa2/2011 dated 15.03.2011	20.04.2011	Ni.Mu.No.2128/A4/2011 dated 14.07.2011
10	WP (MD) No.5630/2017	P.Anandakumar	Mu.Mu.No.5845/A1/2010 dated 23.02.2011	07.03.2011	Mu.Mu.No.1089/A1/2011 dated 18.03.2011
11	WP (MD) No.12727/2017	K.Karthigai Ramu	Mu.Mu.No.4200/Aa2/2011 dated 09.08.2011	29.09.2011	Pa.Mu.No.1062/A1/2012 dated 23.02.2012
12	WP (MD) No.12728/2017	M.K.Pitchai Manickam	Mu.Mu.No.10167/Aa2/2010 dated 09.02.2011	03.03.2011	Pa.Mu.No.1490/A1/2011 dated 15.09.2011
13	WP (MD) No.12729/2017	B.Vimala	Mu.Mu.No.4199/Aa2/2011 dated 09.08.2011	29.09.2011	Pa.Mu.No.420/A1/2012 dated 13.02.2012
14	WP (MD) No.12730/2017	A.Vijaya lakshmi	Mu.Mu.No.10167/Aa2/2010 dated ... 02.2011	03.03.2011	Pa.Mu.No.1325/A1/2011 dated 14.06.2011
15	WP (MD) No.12731/2017	R.Shyamala devi	Mu.Mu.No.4198/Aa2/2011 dated 09.08.2011	29.09.2011	Pa.Mu.No.1061/A1/2012 dated 23.02.2012
16	WP (MD) No.12732/2017	P.Thenmozhi	Na.Ka.No.10167/Aa2/2010 dated 09.02.2011	03.03.2011	Pa.Mu.No.1415/A1/2011 dated 21.07.2011



Sl. No.	Case No.	Name of the petitioner	Prior Permission granted by CEO/DEEO	Date of appointment	Approval granted by the competent authority
17	WP (MD) No.5455/2017	V.Sekar	O.Mu.No.4035/Aa5/2010 dated 24.08.2010	03.09.2010	O.Mu.No.4468/Aa5/2010 dated 13.09.2010
18	WP (MD) No.7296/2017	R.Lenin	-	01.04.2011	Na.Ka.No.Aa3 / 3372/2011 dated ... 06.2011
19	WP (MD) No.7297/2017	S.Rajangam	-	01.12.2010	Mu.Mu.No.4472/Aa5/2010 dated 08.11.2010
20	WP (MD) No.7298/2017	K.G.Jayapriya	-	03.01.2011	19.04.2012
21	WP (MD) No.7299/2017	T.Rajam	-	01.06.2011	07.03.2012
22	WP (MD) No.7300/2017	D.Chandra sekaran	Rc.No.6863/A3/2010 dated 03.02.2011	23.02.2011	Rc.No.1281/A3/2010 dated 04.08.2011
23	WP (MD) No.7301/2017	S.Geetha	Rc.No.5528/A3/2010 dated 27.09.2010	22.10.2010	Rc.No.1436/A3/2011 dated 18.08.2011
24	WP (MD) No.7302/2017	S.Subanadevi	Rc.No.6865/A3/2010 dated 03.02.2011	23.02.2011	Rc.No.1280/A3/2010 dated 04.08.2011

It is limpid from the above table that all the petitioners were appointed before the cut off date i.e, 27.09.2011. As such, they are entitled to seek exemption from acquiring TET qualification.

12.In the ultimate analysis, this Court has no hesitation to hold that the petitioners are entitled to seek exemption from passing TET, as they were appointed prior to the cut off date and the respondents are directed not to insist TET certificate from the petitioners as a pre-condition for their continuance in service as B.T. Assistants.



13. Accordingly, all the writ petitions are allowed as prayed for. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

TO

1. The National Council For Teacher Education, Hans Bhawan, Wing II, No.1, Bhagadur Shah Zafar Marg., New Delhi 110 002
2. The Secretary To Government of Tamil Nadu, Department of School Education, Fort St.George, Chennai - 600 009
3. The Director of School Education College Road, Chennai - 600 006
4. The Director of Elementary Education, College Road, Chennai - 600 006
5. The Chairman, Teachers Recruitment Board, Evk Sampath Maligai, Dpi Compound, College Road, Chennai 06.
6. The Chief Educational Officer Ramanathapuram Ramanathapuram District
7. The Chief Educational Officer Virudhunagar Virudhunagar District
8. The Chief Educational Officer Madurai - 625 002
9. The District Educational Officer, Paramakudi Ramanathapuram District
10. The District Educational Officer, Ramnad Ramnad District
11. The District Educational Officer, Aruppukottai Virudhunagar District
12. The District Educational Officer Madurai - 625 002 Madurai District
13. The District Education Officer, Devakottai, Sivagangai. District.
14. The District Education Officer Nagercoil, Kanyakumari District.
15. The District Elementary Educational Officer, Ramnad, Ramnad District.
16. The District Elementary Education Officer, Theni, Theni District.
17. The District Elementary Education Officer, Pudukottai, Pudukottai Dist
18. The Assistant Elementary Educational Officer, Thirupulani, Ramnad District.



19. The Assistant Elementary Educational Officer, Paramakudi ,
Ramanad District.

+17CC to M/s.Issac Chambers, SR Nos.52863 and 52865 to 52880

+1CC to Special Government Pleader SR Nos.52898,52901 to 52903,
52905 to 52907,52911 to 52913, 52917, 52919, 52920, 52928, 52931,
52932 and 52936

ORDER MADE IN
**WP(MD)Nos.5626 to 5630,
5070 to 5074, 5455 and
12727 to 12732 of 2017**

08.03.2019

NS (CO)

TR (01.07.2019) 28P 38C