



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

CORAM:

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.15182 of 2014

and

M.P. (MD) No.2 of 2014

R.Umarani

... Petitioner

-Vs-

1.The Principal Secretary to Government,
School Education (TRB) Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Chairman,
Teachers Recruitment Board,
EVK Sampath Maaligai,
College Road, Chennai-600 006.

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

4.The Director of Elementary Education,
College Road, Chennai-600 006.

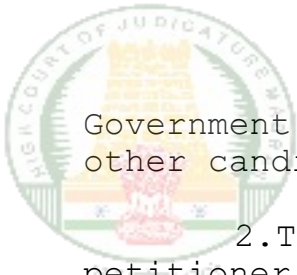
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, quashing the impugned Government Order (G.O.No.71 dated 30.05.2014) of School Education (TRB) Department and consequently, directing the second respondent to issue appointment letter to the petitioner as a Secondary Grade Teacher in any of the Government School, as the second respondent has treated similarly passed and placed people who attended TNTET Supplementary Examination 2012.

For Petitioner : Mr.C.Masilamani
For R1 and R2 : Mr.V.R.Shanmuganathan,
Special Government Pleader.
For R3 and R4 : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

The Government Order issued in G.O.Ms.No.71, School Education (TRB) Department, dated 30.05.2014 is sought to be quashed in the above writ petition. Further direction sought for is to direct the second respondent to issue appointment order to the writ petitioner to the post of Secondary Grade Teacher in any of the



Government School by treating the writ petitioner on par with the other candidates, who attended TNTET Supplementary Examination 2012.

2.The learned counsel appearing on behalf of the writ petitioner states that the writ petitioner is a meritorious candidate, who participated in the Teachers Eligibility Test of the year 2012 and scored 94 marks. The persons, who secured lesser marks in the Teachers Eligibility Test, were appointed. Therefore, the writ petitioner is to be considered for appointment to the post of Secondary Grade Teacher.

3.The learned counsel appearing on behalf of the writ petitioner reiterated that the writ petitioner is a meritorious candidate and secured 94 marks and the candidates, who secured lesser marks in Teachers Eligibility Test, were appointed as Secondary Grade Teacher. Thus, the Writ Petition deserves to be allowed.

4.The learned Special Government Pleader appearing on behalf of the Teachers Recruitment Board made a submission that the writ petitioner undoubtedly is eligible for appointment to the post of Secondary Grade Teacher. The writ petitioner declared as pass in the Teachers Eligibility Test, as she secured 94 marks and the minimum eligible marks is 90. Thus, the writ petitioner was considered as eligible candidate. However, the writ petitioner was not selected for appointment to the post of Secondary Grade Teacher.

5.The learned Special Government Pleader appearing on behalf of the respondents further made a submission that validity of the Government Order issued in G.O.Ms.No.71, School Education (TRB) Department, dated 30.05.2014 was considered by the Hon'ble Supreme Court of India in Civil Appeal No.10700 of 2016 and the Hon'ble Supreme Court of India upheld the validity of the Government Order issued in G.O.Ms.No.71, dated 30.05.2014 and the relevant paragraphs are extracted hereunder:-

"42.The contention that different Boards of Examination have different standards and the examiners who evaluate the scripts are in some more liberal than others and that the candidates who acquitted qualifications decades back had to suffer strict evaluation as compared to the candidates who have qualified in the recent past facing liberal evaluation criteria, are all hypothetical arguments without any pleading and supporting material disclosed in the Writ Petitions. As noted earlier, weightage of marks for academic performance and TET fixed vide G.O.(Ms)No.252, dated 05.10.2012 continues to be the same even after issuing G.O.(Ms)No.71, dated 30.05.2014. Having taken up the examination as per G.O.(Ms)No.252, the appellants cannot challenge the award of weightage for the distribution of marks for academic performance with reference to actual marks secured by each candidate. The appellants are not justified in challenging every rational



decision taken by the respondents to make the selection process more fair and reasonable merely because the outcome does not favour the limited individual interests of the appellants.

43. The Madras High Court rightly rejected the challenge to G.O.(Ms)No.25, dated 06.02.2014 and G.O.(Ms) No.71, dated 30.05.2014, holding that as per the NCTE Guidelines, the State Government has the power to grant relaxation on the marks obtained in the TET for the candidates belonging to reserved category and the same is affirmed. The Madurai Bench did not keep in view the NCTE Guidelines and the power of the State Government to grant relaxation in terms of their extant reservation policy and erred in quashing G.O.(Ms)No.25 dated 06.02.2014 and hence the same is liable to be set aside.

44. The appeals filed by the State Government are, accordingly, allowed and the impugned judgment of the Madurai Bench is set aside. The impugned judgment of the Madras Bench of the High Court is affirmed and all the appeals preferred by the unsuccessful candidates are dismissed."

6. The learned counsel appearing on behalf of the writ petitioner states that the Government Order was upheld with the perspective effect and therefore, the selection of the year 2012 can be affected and consequently, the writ petitioner is entitled for appointment to the post of Secondary Grade Teacher.

7. Appointments can never be claimed as a matter of right. Undoubtedly, all appointments are to be made strictly in accordance with the recruitment rules in force. Mere eligibility would not confer any right on the candidate to seek appointment to a particular post. Participation in the process of selection is one aspect of the matter and appointment is the another aspect of the matter. Even at the time of selection, such competent authorities found any illegality, then also they can cancel the selection.

8. In the present case on hand, the writ petitioner was undoubtedly eligible for appointment to the post of Secondary Grade Teacher and mere eligibility would not confer any right to claim appointment to a particular post.

9. The learned counsel appearing on behalf of the writ petitioner states that the persons, who secured lesser marks in the Teachers Eligibility Test, were appointed.

10. In such an event if any illegality or irregularity, mal practices or corrupt activities are established in the Writ Petition, then alone, the High Court can quash the selection list and not otherwise.



11. In the present Writ Petition, no such appointments have been challenged nor the selection process has been challenged and therefore, this Court cannot interfere with the appointments already made, pursuant to the selection of the year 2012. Contrarily, the writ petitioner claims that she has secured 94 marks in Teachers Eligibility Test and the candidates, who secured lesser marks in Teachers Eligibility Test, were appointed. Selection as a whole is to be considered for the purpose of appointment. Mere securing more marks in Teachers Eligibility Test alone is not a criteria for selection and appointment to the post of Secondary Grade Teacher.

12. In the present Writ Petition on hand, the writ petitioner has not established any mal practice or corrupt activities nor any such order of appointment issued in favour of any other candidates is challenged. This apart, no such candidates are impleaded as party respondents in the present Writ Petition. In the absence of any particular, this Court cannot interfere with the process of selection made in the year 2012 and further, the appointed candidates are already in service for the past about 7 years.

13. This being the factum, this Court is not inclined to consider the relief as such sought for in the present Writ Petition. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary to Government,
School Education (TRB) Department,
Secretariat, Fort St. George,
Chennai-600 009.

2. The Chairman,
Teachers Recruitment Board,
EVK Sampath Maaligai,
College Road, Chennai-600 006.

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

4. The Director of Elementary Education,
<https://hcservices.ecourts.gov.in/hcservices/>
College Road, Chennai-600 006.



+1 CC to MR.C.MASILAMANI, Advocate (SR-75530[F] dated 16/07/2019)
+1 CC to SPL GP (SR-75747[F] dated 17/07/2019)

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