



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 19.08.2019
CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.2820 of 2014
and
M.P.[MD]Nos.1 to 3 of 2014

A.Malathy ... Petitioner

Vs.

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

2.The Chairman,
Teachers Recruitment Board,
E.V.K. Sampath Maligai,
DPI Compound College Road,
Chennai - 6.

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

4.The Chief Educational Officer,
Madurai District,
Tallakulam, Madurai.

5.The District Educational Officer,
Usilampatti,
Madurai.

6.The Secretary / Correspondent,
Koodakovil Nadar Higher Secondary School,
Koodakovil,
Madurai - 625 022.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings of the third respondent in Na.Ka.No.34116/D1/E4/2013 dated 07.11.2013 and quash the same as illegal and consequently direct the respondents 3 to 6 not to cancel the approval of the petitioner's appointment dated 13.08.2012 granted by the fifth respondent.



For Petitioner : Mr.J.Jeyakumaran
For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader

O R D E R

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The order impugned dated 07.11.2013 issued by the Director of School Education, to cancel the appointments of the Teachers who have not passed the Teachers Eligibility Test is under challenge in the present writ petition.

2.The writ petitioner was appointed as Secondary Grade Teacher in the sixth respondent school. The initial appointment of the writ petitioner to the post of B.T. Assistant (Science) was made on condition that the petitioner should pass Teachers Eligibility Test as per the Government Orders in force. The Government also extended time for passing of the Teachers Eligibility Test. In spite of the time granted, the writ petitioner has not passed the Teachers Eligibility Test.

3.The learned Counsel for the second respondent made a submission that the writ petitioner has not passed the Teachers Eligibility Test and therefore, the relief of approval of appointment cannot be granted at all.

4.It is made clear that if at all the writ petitioner has already passed the Teachers Eligibility Test as per the Government Orders in force and as per the time limit fixed by the Government, then alone she is eligible for approval of appointment and not otherwise.

5.Learned Counsel for the second respondent states that the writ petitioner has not passed the Teachers Eligibility Test. However, if the writ petitioner has already passed the examination, it is left open to the writ petitioner to submit the pass certificate to the competent authorities to consider her case. If the writ petitioner has not passed the Teachers Eligibility Test, then, she is not entitled for the relief of approval of appointment and consequently, the appointment is to be cancelled as per the Government Orders.

6.This being the principles to be followed, the respondents in the event of receiving any such certificate from the writ petitioner, in accordance with the Government Orders in force, within a period of two weeks from the date of receipt of a copy of this order, shall consider her case strictly in accordance with law. In the event of not producing any such certificate, the appointment of the writ petitioner shall be cancelled as per the impugned order without any further delay.



7. With these directions, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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// True Copy //

Sd/-

Assistant Registrar (AD-II)

Sub Assistant Registrar (CS)

To

1. The Principal Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 09.
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+1 CC to Mr. J. JEYA KUMARAN, Advocate (SR-82154[F] dated 19/08/2019)

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19.08.2019

MR

MK (16.10.2019) 3P 8C

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