

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 25.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) Nos.5542 & 5543 of 2014****WEB COPY**

T.Babu Gnana Kumar ...Petitioner in W.P. (MD) No.5542/2014

S.Kalpana ...Petitioner in W.P. (MD) No.5543/2014

vs.

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

2.The Director of School Education
Chennai-06

3.The Secretary
Teachers Recruitment Board
EVK Sampath Maligai
DPI Compound, College Road
Chennai-06

... Respondents in both W.Ps.

PRAYER (in W.P. (MD) No.5542 of 2014): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to select and appoint the Petitioner to the post of Graduate Teacher in Chemistry based on the certificate verification held on 14.05.2010 conducted by the Teacher Recruitment Board in respect of Selection to the post of Graduate Teachers 2009-2010, without insisting for passing of Teacher Eligibility Test (TET) in compliance with the order passed in R.A.No.139 of 2012 in W.A.No.2121 of 2012 dated 09.07.2013 with all consequential benefits, within a time stipulated by this Court.

PRAYER (in W.P. (MD) No.5543 of 2014): Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the respondents to select and appoint the Petitioner to the post of Graduate Teacher in Tamil based on the certificate verification held on 30.12.2009 & 12.05.2010 conducted by the Teacher Recruitment Board in respect of Selection to the post of Secondary Grade Teacher 2009-2010 without insisting for passing of Teacher Eligibility Test (TET) in compliance with the order passed in R.A.No.139 of 2012 in W.A.No.2121 of 2012 dated 09.07.2013 with all consequential benefits, within a time stipulated by this Court.



For Respondents : Mrs.S.Srimathy
(in both W.Ps.) Special Government Pleader

C O M M O N O R D E R

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The relief sought for in the present writ petitions is for a direction to the respondents to select and appoint the writ petitioners to the post of Graduate Teacher in Chemistry and Tamil respectively, based on the certificate verification conducted on 14.05.2010 and 30.12.2009 & 12.05.2010 respectively, by the third respondent / Teachers Recruitment Board, without insisting for passing of Teachers Eligibility Test, in compliance with the orders passed by this Court, in Rev.Apln.No.139 of 2012 and W.A.No.2121 of 2012, dated 09.07.2013.

2. The very relief sought for in the present writ petitions is misconceived. The first portion of the prayer to direct the respondents to select and appoint the writ petitioners itself cannot be granted. Court cannot issue any direction to the authority concerned to select and appoint the candidate. The candidate should succeed in the process of selection. Then only an appointment order can be issued to him. Thus, the very prayer sought for to direct the respondents to select and appoint the writ petitioners cannot be granted.

3. The second portion of the prayer is to direct the respondents to select and appoint the writ petitioners based on the certificate verification conducted on 14.05.2010 and 30.12.2009 & 12.05.2010 respectively. Based on the certificate verification conducted in the years 2009 and 2010, the writ petitioners seek selection and appointment by filing a writ petition in the year 2014, after a lapse of nearly four years. Thus, the writ petitions are to be rejected on the ground of laches also.

4. The third portion of the prayer is to direct the respondents not to insist the passing of Teachers Eligibility Test. The said prayer is in violation of the mandatory qualification prescribed by the Government of Tamil Nadu pursuant to the directions issued by the National Council for Teacher Education, under the National Educational Policy. Thus, the Teachers Eligibility Test is a mandatory qualification for appointment to the post of Teacher and based on the certificate verification done during the years 2009 and 2010, the writ petitions filed in the year 2014 cannot be considered for the purpose of issuing a direction to the respondents to select and appoint the writ petitioners in the post of Graduate Teacher.

5. This Court is of the considered opinion that during the pendency of the present writ petitions, the process of selection underwent many changes and now, the selection to the post of



Graduate Teacher is conducted through open competitive process and the Teachers Eligibility Test is also made as a mandatory qualification. This being the factum, the relief as such sought for in the present writ petitions cannot be granted as stated above.

6. Accordingly, the writ petitions stand dismissed. No costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

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To:

- 1.The Principal Secretary,
Department of School Education,
State of Tamil Nadu,
Fort St.George, Chennai-09.
- 2.The Director of School Education,
Chennai-06.
- 3.The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai-06.

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AM/SAR/06.08.2019/3P-4C