



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.08.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P[MD]No.2832 of 2015

and

M.P. [MD]No.1 of 2015

WEB COPY

Raja Gopal

... Petitioner

Vs.

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

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

3.The District Education Officer,
Office of the District Education Office,
Madurai - 625 002.

4.Muthuthevar Mukkalathore Higher Secondary School,
Represented by its Secretary,
Thirunagar,
Madurai - 625 006.

... 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 pertaining to the impugned order in Na.Ka.No.1046/Aa2/2015, dated 23.02.2015 on the file of the third respondent and quash the same as illegal and consequently direct the respondents to allow the petitioner to work in the post of B.T.Assistant (Tamil) with consequential benefits.

For Petitioner	: Mr.T.Lajapathi Roy
For Respondents 1 to 3	: Mrs.S.Srimathy
	Special Government Pleader
For Respondent No.4	: No appearance

O R D E R

The impugned order, dated 23.02.2015, regarding the cancellation of appointment of the writ petitioner on the ground

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that he has not passed the Teachers Eligibility Test, is under challenge in the present writ petition.

2.The writ petitioner was appointed in the fourth respondent school as B.T. Assistant and was working as such. When the proposals were submitted for the approval of appointment of the petitioner, the competent authorities of Education Department imposed the condition that a pass in the Teachers Eligibility Test as per the notification issued by the National Council for Teachers Education which was implemented by the Government of Tamil Nadu as per the National Educational Policy passed in Teacher Eligibility Test is a mandatory qualification for appointment to the post of teachers and therefore, only in the event of passing the Teachers Eligibility Test the appointments can be confirmed and not otherwise.

3.The learned counsel appearing on behalf of the writ petitioner is unable to establish whether the writ petitioner as of now has passed the Teachers Eligibility Test or not. The Government also granted extension of time for passing the Teachers Eligibility Test. Under these circumstances, if the writ petitioner has already passed the Teachers Eligibility Test in accordance with the Government Orders in force, then his case has to be considered for approval of appointment in accordance with the rules in force. If the petitioner has not passed the Teachers Eligibility Test, then as per the impugned order his appointment is liable to be cancelled with reference to the policy of the Government in the matter of minimum educational qualifications prescribed for appointment to the post of teachers.

4.With these clarifications, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CRL.SIDE)

// True Copy //

Sub Assistant Registrar(CS)

MR

To

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

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