

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.07.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.33661 to 33663 of 2013

K.Thangadurai ... Petitioner in W.P.33661/2013
K.Raghunathan ... Petitioner in W.P.33662/2013
M.Murugadass ... Petitioner in W.P.33663/2013

Vs.

- 1.The State of Tamilnadu
Rep. by its Secretary of Government
School Education Department
St.George Fort,
Chennai - 9.
- 2.The Director
Department of School Education,
DPI Compound
Chennai.
- 3.The Chairman
Tamilnadu Teachers Recruitment Board
E.V.K.Sampath Maaligai,
DPI Compound,
Chennai.
- 4.The District Employment Officer,
Dharmapuri District,
Dharmapuri. ... Respondents in all W.Ps.

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 to 3 herein to appoint the petitioners as Graduate Teachers in pursuant to the call letter issued by the 3rd respondent herein in his proceedings in memo No.2555/A2/2009 dated 30.04.2010, without reference to the Teacher Eligibility Test (TET) within the time frame fixed by this Hon'ble Court.

For Petitioners : Mr.S.Rajanikanth
For Respondents : Mr.S.Suresh Kumar for R1 and R2
Government Advocate
Mr.C.Munusamy for R3
Special Government Pleader
Mr.A.N.Thambidurai for R4
Special Government Pleader

C O M M O N O R D E R

The petitioners have filed these writ petitions seeking issuance of Writ of Mandamus directing the respondents 1 to 3 to appoint the petitioners as Graduate Teachers in pursuant to the call letter issued by the third respondent herein in his proceedings in memo No.2555/ A2/2009 dated 30.04.2010, without reference to the Teacher Eligibility Test (TET) within the time frame fixed by this Court.

2.The case of the petitioners is that the petitioners were sponsored for the post of Graduate Assistant Teacher (B.T.Teacher) by the fourth respondent on the basis of seniority and on that basis, the third respondent sent a call letter in memo No.2555/A2/2009 dated 30.04.2010 calling the petitioners to appear before the Officials of the third respondent on 13.05.2010 and the petitioners also appeared before the Officials of the third respondent on 13.05.2010 and produced the required Certificates. When the petitioners were eagerly waiting for appointment as Graduate Teachers, the National Council for Teacher Education issued a Notification in which it was notified that Teacher Eligibility Test should be conducted for the appointment of Graduate Teacher.

3.The grievance of the petitioners is that they cannot be compelled to write the Teachers Eligibility Test to get appointment to the post of Graduate Assistant Teacher (B.T.Teacher) as the Teachers Eligibility Test was introduced only in the years 2011 - 2012 and 2012 - 2013. The petitioners made representations to the third respondent seeking appointment to the post of Graduate Assistant Teacher (B.T.Teacher) on the basis of the date of enrolment in the Employment Exchange, however, the same were not considered. Hence, these writ petitions.

4.The learned counsel appearing for the petitioners fairly submitted that the selection process was of the year 2010, however, the petitioners filed the writ petitions only in the year 2013. He further submitted that the petitioners made representations dated 23.10.2013 to the third respondent seeking

appointment to the post of Graduate Assistant Teacher (B.T.Teacher), however, the same were not considered.

5.The learned counsel appearing for the petitioners further submitted that since the petitioners were called for Certificates Verification on 13.05.2010 for appointment to the post of Graduate Assistant Teacher (B.T.Teacher), they cannot be compelled to write the Teachers Eligibility Test, as the same was introduced only in the years 2011 - 2012 and 2012 - 2013.

6.Heard the arguments advanced on either side and perused the materials available on record.

7.Perusal of records disclose that the petitioners were called for Certificates Verification on 13.05.2010 for appointment to the post of Graduate Assistant Teacher (B.T.Teacher). However, the said selection process was not processed thereafter.

8.The Teachers Eligibility Test, was introduced in the years 2011 - 2012 and 2012 - 2013 and thereafter, the selection process was entrusted with the Teachers' Recruitment Board. Hence, without passing the Teachers Eligibility Test, the petitioners cannot be appointed to the post of Graduate Assistant Teacher (B.T.Teacher).

9.Further, this Court has not granted any interim order in this matter till date. Hence, after a lapse of nearly seven years, this Court finds that nothing would survive for adjudication in these writ petitions.

10.At this juncture, the learned counsel appearing for the petitioners prays that liberty may be given to the petitioners to appear in the future Teachers Eligibility Test.

11.These writ petitions are disposed of by granting liberty to the petitioners to appear in the future Teachers Eligibility Test. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

pri/gln

To

1.The Secretary to the Government
School Education Department
St.George Fort,
Chennai - 9.

2.The Director
Department of School Education,
DPI Compound
Chennai.

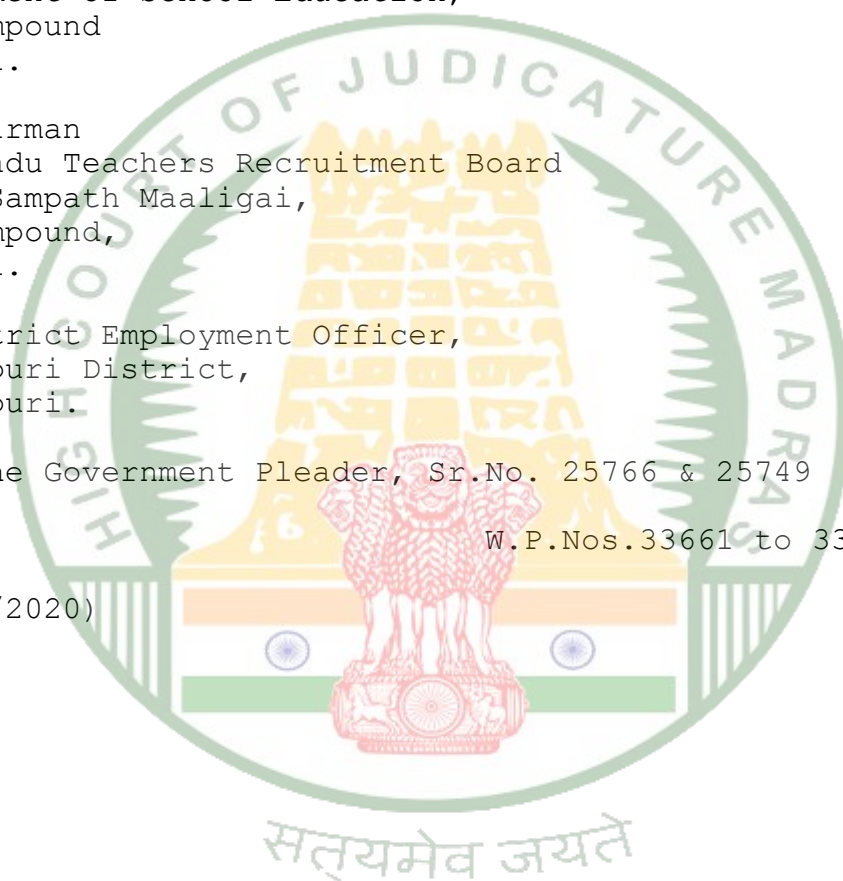
3.The Chairman
Tamilnadu Teachers Recruitment Board
E.V.K.Sampath Maaligai,
DPI Compound,
Chennai.

4.The District Employment Officer,
Dharmapuri District,
Dharmapuri.

+1cc to The Government Pleader, Sr.No. 25766 & 25749

W.P.Nos.33661 to 33663 of 2013

LN(CO)
RMP(01/09/2020)



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