

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.11.2020

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN
AND
THE HONOURABLE MRS. JUSTICE R.HEMALATHA

WP.No.15966/2020

Catholic Minority Welfare Society
represented by its Secretary,
G,Anto Ignatius

... Petitioner

Versus

- 1.The Principal Secretary
School Education Department
Secretariat, Chennai 600 009.
- 2.The Chairman
Teachers Recruitment Board
DPI Campus, College Road
Chennai 600 006.
- 3.The Member Secretary
Teachers Recruitment Board
DPI Campus, College Road
Chennai 600 006.
- 4.The Commissioner of School Education
DPI Campus, College Road
Chennai 600006.
- 5.The Director of School Education,
DPI Campus, College Road
Chennai 600006.
- 6.The Director of Elementary Education
DPI Campus, College Road
Chennai 600006.
- 7.The Directorate of Matriculation Schools
DPI Campus, College Road
Chennai 600006.
- 8.The National Council for Teacher Education,
G-7, Sector-10, Dwarka, Near Metro Station
New Delhi 110 075.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus to direct the 1st respondent to conduct the Teacher Eligibility Test Examination as per the guidelines of the 8th respondent based on the petitioner Society's representation dated 12.08.2020.

For Petitioner : Ms.G.Uma Maheswari

For RR 1 to 7 : Mr.C.Munusamy
Special Government Pleader [Edn]

ORDER

[Order of the Court was made by M.SATHYANARAYANAN]

- (1) By consent, the writ petition is taken up for final disposal and is disposed of by this order.
- (2) Mr.C.Munusamy, learned Special Government Pleader [Edn] accepts notice on behalf of respondents 1 to 7.
- (3) The petitioner-Society is a registered Society under the Tamil Nadu Societies Registration Act and as per the averments made in the affidavit filed in support of this writ petition, their main objectives are to promote unity, harmony and cooperation among the members of the Society, especially, among the Catholic Community and work for the upliftment of Catholics and others.
- (4) The learned counsel for the petitioner-Society would submit that in the light of the mandatory provisions under the Right of Children to Free and Compulsory Education Act or Right to Education Act [in short 'RTE Act'], especially, in the light of Section 23 of the said Act and in terms of the Notification issued by the National Council for Teachers Education, the 8th respondent herein, it is obligatory on the part of the State Government to conduct the Teacher Eligibility Test [TET] at least once in a year and drawing the attention of this Court to the representation dated 12.08.2020, it is pointed out that the Nodal Agency for conducting the said examination is the Teachers Recruitment Board [TRB] and the said Agency had conducted only five examinations, during July 2012, October 2012, August 2013, April 2017 and June 2019 respectively. The primordial submission made by the learned counsel for the petitioner is that it is mandatory on the part of TRB to conduct TET examination at least once in a year and it has not been complied with in letter and spirit and since the above cited representation submitted in this regard, did not invoke any kind of response, the petitioner is constrained to approach

this Court by filing this writ petition, styled as a Public Interest Litigation.

(5) Mr. C. Munusamy, learned Special Government Pleader [Edn] appearing for respondents 1 to 7 and would submit that the petitioner, representing the cause of the religious minority, viz., Catholic, cannot project the cause of the others for the reason that in respect of teachers employed in Minority Institutions, in the light of the judgment of the Hon'ble Supreme Court of India, in the decision reported in 2014 [8] SCC 1 [Pramati Educational and Cultural Trust Vs. Union of India], they need not clear TET and he would further add that the representation submitted by the petitioner-Society would be considered and given a disposal in accordance with law at an early date.

(6) This Court has considered the rival submissions and also perused the materials placed before it.

(7) This Court, taking into consideration, the above facts and circumstances and without going into the merits of the claim projected by the petitioner-Society, either in its representation or in this writ petition, directs respondents 2 and 3 to consider and dispose of the petitioner's representation dated 12.08.2020 on merits and in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

(8) The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1. The Principal Secretary
School Education Department
Secretariat, Chennai 600 009.

2. The Chairman
Teachers Recruitment Board
DPI Campus, College Road
Chennai 600 006.

3.The Member Secretary
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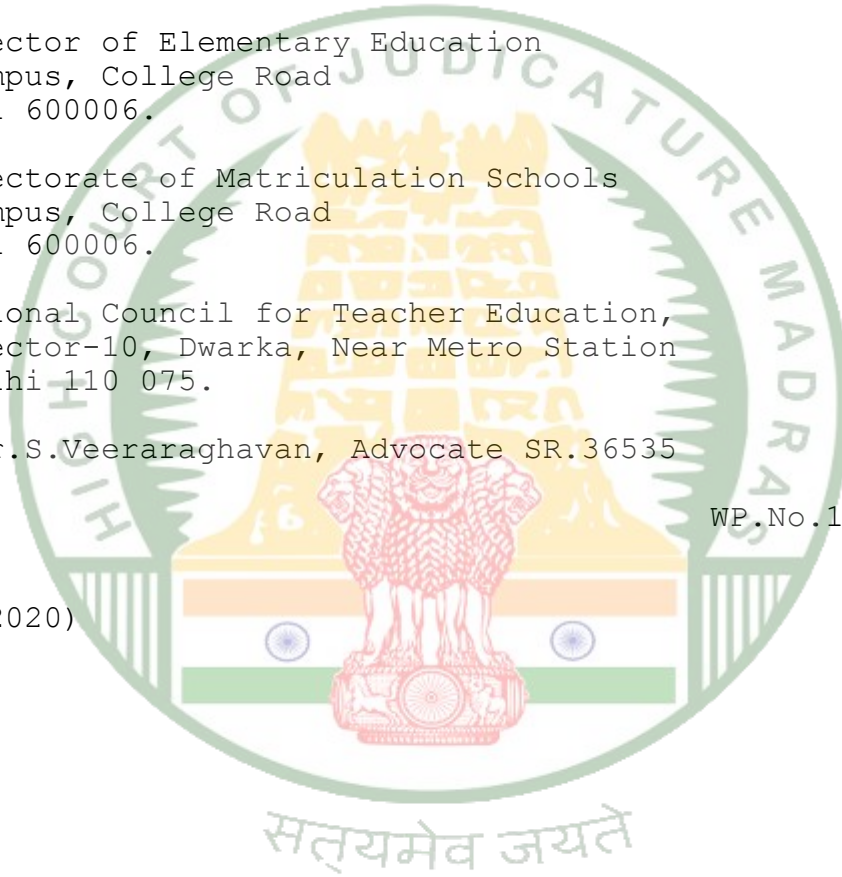
7.The Directorate of Matriculation Schools
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G-7, Sector-10, Dwarka, Near Metro Station
New Delhi 110 075.

+1cc to Mr.S.Veeraraghavan, Advocate SR.36535

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SS(CO)
CB(11/12/2020)



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