



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD).Nos.5062 and 6241 of 2014

1.B.Malathy ... Petitioner in W.P(MD).No.5062/2014
2.M.Rajam Santhabai ... Petitioner in W.P(MD).No.6241/2014

Vs.

1.The State of Tamilnadu,
Rep by its Principal Secretary to Government,
School Education Department,
St.George Fort,
Chennai-9.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Maaligai,
DPI Compound,
College Road, Chennai-600 006.

3.The Director of School Education,
College Road, Nungambakam,
Chennai-600 006. ... Respondents in W.P(MD)No.5062/2014

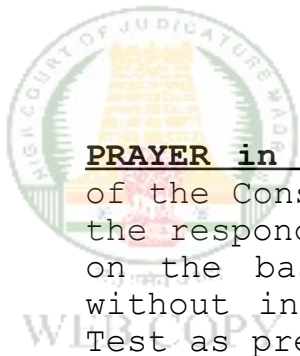
1.The State of Tamilnadu,
Rep by its Principal Secretary to Government,
School Education Department,
St.George Fort,
Chennai-9.

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

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

4.The District Employment Officer,
Tuticorin, Tuticorin District.

... Respondents in W.P(MD)No.6241/2014



PRAYER in W.P(MD).No.5062 of 2014: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to appoint the petitioner as Secondary Grade Teacher on the basis of the Certificate Verification held on 13.11.2009 without insisting upon the petitioner to write Teacher Eligibility Test as pre-condition for appointment to the post of B.T.Assistant.

PRAYER in W.P(MD).No.6241 of 2014: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to appoint the petitioner as Secondary Grade Teacher with all consequential benefits based on the certificate verification made on 01.06.2009 as per Notification issued by the 3rd respondent in vide No.5015/A4/2008, dated 14.05.2009 without insisting the qualification of Teachers Eligibility Test (TET).

For Petitioners
in WP(MD).No.5062 of 2014 : Mr.M.Thirunavukkarasu

For Petitioners
in WP.(MD).No.6241 of 2014 : Mr.T.Pon Ramkumar

For Respondents : Mrs.S.Srimathi
in both cases Special Government Pleader

COMMON ORDER

The relief sought for in these writ petitions is to direct the respondents to appoint the petitioners as Secondary Grade Teachers in pursuant to the call letter issued by the third respondent in his proceedings in Memo No.5015/A4/2008 dated 14.05.2009, without reference to the Teacher Eligibility Test (TET) in conformity with the decision rendered by the Division Bench of this Court.

2.The petitioners state that after their School Education, they completed Diploma in Teacher Education and they registered their name in the Employment Exchange and received call letters for certificate verification in the year 2009 and they were not appointed and therefore, the petitioners have filed the writ petitions seeking appointment to the post of Secondary Grade Teacher.

3.The learned Special Government Pleader appearing on behalf of the respondents brought to the notice of this Court that the procedure for selection to the post of Secondary Grade Assistant had underwent changes and now the appointments are made only through open competitive process by issuing notifications. In the case on hand, the writ petitioners had participated in the certificate verification and no order of appointment was issued. Thus, the writ



petitioners have no right to seek any appointment without even passing the Teacher Eligibility Test (TET).

4.As of now, it is the National Educational Policy that the Teachers Eligibility Test is the requisite qualification for appointment to the post of teachers. There cannot be any exemption and the Government has granted time for passing of the Teachers Eligibility Test(TET) by the respective candidates, who were appointed as teachers.

5.Appointment can never be claimed as a matter of right. All appointments are to be made strictly in accordance with the recruitment rules in force. Mere participation in the process of selection would not confer any right to claim appointment. Call letters of the year 2009, may not have any avail for the writ petitioners, to claim appointment by filling writ petitions in the year 2014. The petitioners have received the call letters in the year 2009 for certificate verification and the writ petitions were filed in March 2014, after a lapse of about 5 years from the date of issuance of call letters.

6.This apart, the procedures for appointment to the post of Secondary Grade Teacher underwent many changes. Now the appointments are made through recruitment process and therefore, the petitioners have to participate in the process of selection for securing appointments to the post of Secondary Grade Teachers. The call letters of the year 2009, the petitioners cannot file the writ petitions in the year 2014 and seek for a direction to appoint the petitioners to the post of Secondary Grade Teachers. Even at the time of appointment, the petitioners were aged about 43 years, now, they would be around 49 years.

7.Thus, this Court is of the opinion that exemption can never be claimed as a matter of right and the Government has granted extension of time for passing the Teacher Eligibility Test(TET). In this view of the matter, the case of the writ petitioners deserve no further consideration. The candidates, who have been selected in accordance with the recruitment rules in force and appointed alone, will claim a right. If there is any illegality or irregularity in the process of selection, then the Court can consider for quashing of the process of selection. However, in the absence of any one of the legal grounds no appointment can be granted. The mere participation in the process of certificate verification will not confer any right on the writ petitioners to claim an order of appointment. Thus, this Court is of the view that the writ petitioners have failed to establish even a Semblance of Right for considering the relief as such sought for in these writ petitions.



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8.Thus, these writ petitions are devoid of merits and accordingly, the writ petitions stand dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-I)

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/ /2020

Sub Assistant Registrar(CS)

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To

1.The Principal Secretary to Government,
State of Tamilnadu,
School Education Department,
St.George Fort,
Chennai-9.

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

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

4.The District Employment Officer,
Tuticorin, Tuticorin District.

+1cc to Mr.T.Pon Ramkumar, Advocate sr.20376

W.P (MD) .Nos.5062 and 6241 of 2014

14.10.2020

MR (CO)

NR (02/11/2020) 4P : 6C