



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.11.2020

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD).No.521 of 2014

and

WMP(MD)Nos.1 and 2 of 2014

T.Anbumathy

... Petitioner

-Vs-

1.The State of Tamil Nadu

Rep by its Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai-9.

2.The Chairman,

Teacher Recruitment Board,
4th Floor, E.V.K. Sampath Building,
DPI Compound, College Road,
Chennai-6.

3.The Director of School Education,

College Road, Nungampakam,
Chennai-6.

4.The Director of Elementary Education,

College Road, Nungampakam, Chennai-6. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records from the respondent relating to the impugned order passed by it in O.Mu.No.2521/௨4/2012, dated 21.03.2013 and quash the same and to direct the respondents to appoint the petitioner as Second Grade Teacher in any Government School or grant receiving Private School in Tamil Nadu under the recruitment by the Employment Registration Seniority Scheme in the future vacancies without insisting upon a passing in the Teacher Eligibility Test (TET) and to grant such further or other orders.

For Petitioner : Mr.K.Sathiya Singh

For Respondents : Mr.J.Gunaseelan Muthiah
Additional Government Pleader



ORDER

The letter, dated 21.03.2013 sent by the Teachers Recruitment Board to the Special Officer, Chief Minister's Special Cell, Secretariat, Chennai, is under challenge in the present writ petition.

2.The writ petitioner sent a complaint to the Chief Minister's Special Cell and by receiving information from the Teachers Recruitment Board. The said letter was communicated to the writ petitioner. The letter reveals that the recruitment to the post of Secondary Grade Teacher is to be done with reference to the State Seniority List in the Employment Exchange.

3.The relief sought for in the present writ petition is to quash the said communication, dated 21.03.2013 and direct the respondents to appoint the writ petitioner as Secondary Grade Teacher in any Government School.

4.The letter, dated 21.03.2013, a communication sent to the Chief Minister's Special Cell and further, the actions taken are intimated to the writ petitioner. The grievances of the writ petitioner to appoint her as Secondary Grade Teacher in Government School cannot be considered in violation of the recruitment rules in force.

5.Even at the time of filing of the writ petition, the writ petitioner was aged about 47 years. Now she would be around 53 years. Thus, the appointment to the post of Secondary Grade Teacher underwent many changes and now the selection made through the Teachers Recruitment Board.

6.All appointments are to be made strictly in accordance with the rules in force. By challenging the mere communication, the writ petitioner cannot seek any appointment to the post of Secondary Grade Teacher. Equal opportunity in public employment is the constitutional mandate. Appointment to the post of Secondary Grade Teacher is to be made strictly in accordance with the rules and by following the procedures. Thus, by challenging the communication, the petitioner cannot seek any appointment and in fact the petitioner has not set out any entertainable dispute for the purpose of adjudication of the present writ petition on hand. This being the factum, the petitioner has to secure appointment only by participating in the process of selection and now she is also aged about 53 years and under these circumstances, the relief sought for in the present writ petition cannot be granted.



7. Accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

sjj

To

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

2. The Chairman,
Teacher Recruitment Board,
4th Floor, E.V.K. Sampath Building,
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+1 CC to M/s.GP (SR-20989[F] dated 03/11/2020)

W.P. (MD) .No.521 of 2014
02.11.2020

PK(CO)
TR(10.11.2020) 3P 6C