



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.07.2021

C O R A M

THE HONOURABLE MR.JUSTICE P.D.AUDIKESAVALU

W.P. (MD) No.16078 of 2013

and

M.P (madras) No.2 of 2013

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Rev. Gibson,
The Correspondent of C.M.S.
Monegomery Primary School,
S/o.Rev J.J.Anthisayaraj,
Military Lines,
Palayamkottai,
Tirunelveli.

... Petitioner

Vs.

1.The Chairman,
National Council for Teacher Education,
Hans Bhawan,
Wing II,
1, Bahadur Shah ZafarMarg,
New Delhi-110 002.

2.The School Education Department,
Rep by its Principal Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai-9.

3.The Teachers Recruitment Board,
Rep by its Chairman,
4th, Floor EVK Sampath Maligai,
DPI Campus,
College Road,
Chennai-6.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the constitution of India, to issue a writ of Mandamus, directing the 3rd Respondent to issue a fresh notification/advertisement in accordance with the guideline issued by the 1st Respondent in lieu of Notification/Advertisement No.3/2013 dated 22.05.2013 issued by the 3rd Respondent and consequently to issue the mark statements of the candidates by name

1)S.Ubanya (July 2012 - 12TE21900870) (Oct 2012-12TE21950754)

2)S.Emilie, D/o.G.Selvaraj, (October, 2012 - 12 TE 30650629)

who have applied in the petitioner school, to enable them to be recruited in the petitioner school with the marks scored in the earlier Teacher Eligibility Tests, by following their reservation



policy and guidelines of the 1st Respondent.

For Petitioner : Mr. V.Rajiv Rufus
For R1 & R2 : Mr. D.Gandhiraj
Counsel on behalf of the Govt.
of Tamil Nadu
For R3 : Mr. V.R.Shanmuganathan
Standing Counsel

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ORDER

Heard Mr. V.Rajiv Rufus, Learned Counsel appearing for the Petitioner, Mr. D.Gandhiraj, Learned Counsel representing on behalf of the First and Second Respondents and Mr. V.R.Shanmuganathan, Learned Standing Counsel appearing for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed to direct the Third Respondent to issue a fresh notification/advertisement in accordance with the guideline issued by the First Respondent in lieu of Notification/Advertisement No.3/2013 dated 22.05.2013 and consequently to issue the mark statements of the candidates viz., S.Ubanya and S.Emilie, who have applied in the Petitioner school to enable them to be recruited in the Petitioner school with the marks scored in the earlier Teacher Eligibility Tests, by following their reservation policy and guidelines of the First Respondent.

2. Learned Counsel for the Third Respondent states that since the examination has been conducted pursuant to the notification, the relief sought does not remain for consideration at this distance of time. That apart, the Division Bench of this Court in **Secretary to Government, Government of Tamil Nadu, Chennai -vs- S.Jeyalakshmi**, [(2016) 5 CTC 639] has held that it is not necessary for the teachers in schools run by aided minority institutions to secure a pass in Teacher Eligibility Test for approving their appointment, meaning thereby that the requirement of minimum 60% marks in that test cannot have any application to the teachers in the school of the Petitioner if it is an aided minority educational institution.

3. In that view of the matter, no further orders are required in the Writ Petition, which shall stand disposed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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<https://hcservices.ecourts.gov.in/hcservices/>



Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To

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National Council for Teacher Education,
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Wing II,
1, Bahadur Shah ZafarMarg,
New Delhi-110 002.

2.The School Education Department,
Rep by its Principal Secretary,
Government of Tamil Nadu,
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Chennai-9.

3.The Chairman,
The Teachers Recruitment Board,
4th, Floor EVK Sampath Maligai,
DPI Campus,
College Road,
Chennai-6.

+1 CC to MR.V.RAJIV RUFUS, Advocate (SR-22995[F] dated 16/07/2021)
W.P. (MD) No.16078 of 2013
and
M.P (MD) No.2 of 2013
15.07.2021

MGJ(04.08.2021) 3P 5C