



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.06.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.10387 of 2021

Mrs.M.Sermalatha

... Petitioner

-Vs-

1.The State of Tamilnadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.

3.The District Educational Officer,
Srivilliputhur,
Virudhunagar District.

4.The Secretary,
A.V.M.M.Edison Nadar Elementary School,
Vilampatti-626 124,
Virudhunagar District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents not to insist the petitioner to pass/clear the Teacher Eligibility Test (TET) in view of the cutoff date 29.07.2011 fixed for Teacher Eligibility Test (TET) as mandated G.O.(Ms) No.181, School Education, dated 15.11.2011 based on the petitioner's representation, dated 17.02.2020 and pass orders.

For Petitioner : Mr.A.Balaji
For R1 to R4 : Mr.P.Subbaraj,
: Government Advocate

ORDER

Heard Mr.A.Balaji, learned counsel appearing for the petitioner, and Mr.P.Subbaraj, learned Government Advocate appearing



for respondents 1 to 4 and perused entire materials available on record.

2. The petitioner was appointed as Secondary Grade Teacher on 10.02.2011 in the fourth respondent School viz., A.V.M.M.Edison Nadar Elementary School, Vilampatti, in a sanctioned post. Her appointment as Secondary Grade Teacher was also approved by the authority.

3. According to the petitioner, the respondents insisted the petitioner to clear the Teachers Eligibility Test (hereinafter referred to as 'TET'). The petitioner submitted that when she was appointed on 10.02.2011, there was no requirement of pass in TET examination for appointment. The National Council for Teacher Education (hereinafter referred to as 'NCTE') has issued a Notification, dated 23.08.2010, laying down the minimum qualifications for a person to be eligible for appointment as a teacher in class I to VIII. The first respondent issued Government Order in G.O.Ms.No.181, dated 15.11.2011, making the TET as mandatory for all the teachers, who are working within the State. The Government first time conducted TET examination in the month of July, 2012 and the results were published only in the month of August, 2012.

4. The learned counsel for the petitioner contended that this issue was already considered by the Division Bench of this Court and the Division Bench of this Court held that those, who were appointed prior to the issuance of G.O.Ms.No.181, cannot be compelled to pass TET. In view of the said judgment, the Notification, dated 23.08.2010, was amended on 29.07.2011, stating that the qualification of TET is mandatory only from 29.07.2011 and the respondents cannot compel the petitioner to appear and pass in the TET examination and he prayed for allowing these Writ Petition.

5. The issue whether a person, who was appointed as Secondary Grade Teacher prior to the issuance of G.O.Ms.No.181, can be compelled to acquire a pass in TET Examination, is no longer *res integra*. The amended Notification issued by the NCTE makes it very clear that the qualification of TET is mandatory only from 29.07.2011. The Division Bench of this Court, in a batch of Writ Petitions, has considered these issues and held that the respondents cannot compel the teachers similarly placed like petitioner to pass in TET examination.

6. In the present case, the petitioner was appointed on 10.02.2011 and her appointment was approved by the authorities on 19.04.2011 much prior to issuance of G.O(Ms) No.181 (School Education (C2) Department), dated 15.11.2011, prescribing the Educational qualification of pass in Teachers Eligibility Test.



7. For the above reasons, the Writ Petition is allowed. No costs.

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Sd/-

Assistant Registrar (W)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

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To

1. The Principal Secretary,
Department of School Education,
Fort St. George,
Chennai-600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai-600 006.
3. The District Educational Officer,
Srivilliputhur,
Virudhunagar District.
4. The Secretary,
A.V.M.M. Edison Nadar Elementary School,
Vilampatti-626 124,
Virudhunagar District.

+1 CC to M/s.SPL GP (SR-20018[F] dated 23/06/2021)

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