



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.04.2021

CORAM

THE HON'BLE **MR. JUSTICE P.D. AUDIKESAVALU**

W.P(MD). No. 12733 of 2016

and

W.M.P(MD).Nos. 9636 and 12378 of 2016

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T.Rajesh

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep., by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai 600 009.

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

3. The Chief Educational Officer,
Thanjavur District, Thanjavur.

4. The District Educational Officer,
Kumbakonam Educational District,
Kumbakonam, Thanjavur District.

5. The Secretary,
S.K.S.D.S.Higher Secondary School,
Thirupananthal 612 504,
Thiruvidaimaruthur Taluk,
Thanjavur District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, for issue of Writ of Mandamus, directing the respondents 1 to 4 to approve the appointment of the petitioner in the post of BT Assistant (Mathematics) in the fifth respondent School from the date of appointment on 10.04.2015 based on the proposal forwarded by the fifth respondent School on 27.05.2015 with payment of salary and other benefits from the date of initial appointment, within a time frame to be stipulated by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.M.Jaya Kumar

Additional Government Pleader



ORDER

Heard Mr.G.Sankaran, Learned Counsel for the Petitioner, Mr.M.Jaya Kumar, Learned Additional Government Pleader appearing for the First to Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Learned Counsel for the Petitioner has filed a memo dated 08.04.2021 in which it has been stated as follows:-

"1.The Petitioner has secured 82 marks in Teachers Eligibility Test (TET) conducted in August 2013. Subsequently, the Government issued orders in G.O.Ms.No.25, School Education Department dated 06.02.2014, granting relaxation of marks in TET as per which, the candidates secured 82 marks and above are declared pass (instead of 90 marks).

2. The said Government Order was under challenge before the Hon'ble High Court wherein the Government Order has been upheld by the orders passed by the High Court of Madras (Principal Seat) dated 22.09.2014 and the Government order was quashed as per the orders issued by this Hon'ble Court (Madurai Bench) dated 25.09.2014.

3. The Petitioner was appointed as B.T. Assistant (Maths) in the 5th respondent school on 10.04.2015 based on TET pass certificate issued to him based on 82 marks secured by him. Whereas, his appointment was not approved by the Department based on the orders of this Hon'ble Court (Madurai Bench) dated 25.09.2014.

4. Whereas in the Civil Appeals preferred by the State of Tamil Nadu and others against the decision rendered by the Hon'ble High Court, Madras (Principal Seat) and this Hon'ble Court (Madurai Bench), the Hon'ble Supreme Court passed orders in V.Lavanya and others Vs. State of Tamil Nadu reported in 2017 (1) SCC 322, held as follows:

"42. The Madras High Court rightly rejected the challenge to GO Ms. No.25 dated 06.02.2014 and GO Ms. No.71 dated 30.05.2014, holding that as per the NCTE Guidelines, the State Government has the power to grant relaxation on the marks obtained in TET for the candidates belonging to reserved category

and the same is affirmed. The Madurai Bench



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did not keep in view the NCTE Guidelines and the power of the State Government to grant relaxation in terms of their extent reservation policy and erred in quashing GO Ms. No.25 dated 06.02.2014 and hence the same is liable to be set aside.

43. The appeals filed by the State Government are, accordingly, allowed and the impugned Judgment of the Madurai Bench is set aside. The impugned judgment of the Madras Bench of the High Court is affirmed and all the appeals preferred by the unsuccessful candidates are dismissed".

Accordingly, G.O. Ms. No.25 dated 06.02.2014 revising the eligibility marks in TET examination has been upheld by the orders passed by the Hon'ble Supreme Court of India. As per the Government order, it is also applicable to TET conducted in August 2013 (in Para-2 of the Government Order).

5. In the meantime based on the interim orders granted in the Writ Petition in W.P. (MD) No.12733 of 2016, the District Educational Officer, Kumbakonam, the 4th respondent herein issued orders vide Proceedings in Mu.Mu.No.2816/A3/2016 dated 02.01.2017 granting approval of appointment of the petitioner in the post of B.T. Assistant in the 5th respondent school from the date of appointment on 10.04.2015. Accordingly, the appointment of petitioner has been approved by the Department with assessment of salary from the date of his appointment.

6. In view of the orders passed by the Hon'ble Supreme Court of India in V.Lavanya and others reported in (2017) 1 SCC 322, upholding the validity of G.O.Ms.No.25, dated 06.02.2014, as per which the TET Pass certificate issued for the Petitioner is valid as well as the order of approval of appointment of the petitioner issued by the 4th respondent dated 02.01.2017, no further adjudication is required in the Writ Petition."

3. The aforesaid submissions made are placed on record. Nothing remains for further consideration in this Writ Petition.



In fine, the Writ Petition is disposed. No costs.
Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Records)

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/ True Copy/

/ /2021

Sub Assistant Registrar(CS)

rmk/SRM

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
School Education Department,
Secretariat, Fort St.George,
Chennai 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Chief Educational Officer,
Thanjavur District, Thanjavur.
4. The District Educational Officer,
Kumbakonam Educational District,
Kumbakonam, Thanjavur District.

+1 CC Mr.F.Deepak(Sr.15768/21)dated 15.04.2021

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08.04.2021

SSI (06.05.2021) 4P 6C