



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.01.2021

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

AND

THE HONOURABLE MRS.JUSTICE S.KANNAMMAL

W.A(MD)Nos.1073, 1251 & 1252 of 2013

against W.P(MD)Nos.16494 of 2012,15908 & 15909 of 2013

WEB COPY

1.W.A(MD)No.1073 of 2013:-

I.Joseph Peter

... Appellant/Petitioner

Vs.

1.The Secretary,
Government of Tamil Nadu,
Education Department,
Fort St. George,
Chennai - 600 009.

2.The Chairman,
Teachers Recruitment Board,
College Road,
Chennai - 600 006.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 24.01.2013 made in W.P(MD)No.16494 of 2012 on the file of this Court.

Prayer in WP(MD). 16494/ 2012 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF MANDAMUS, directing the respondents to pass orders to select this petitioner for the post of B.T., Assistant history in backward class general category, as per the Seniority within a time frame fixed by this Honourable Court.

For Appellant : Mr.F.X.Eugene

For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader.

2.W.A(MD)No.1251 of 2013:-

J.Joycelin

... Appellant/Petitioner

Vs.

1.The Secretary,
Government of Tamil Nadu,
Education Department,
Fort St. George,
Chennai - 600 009.



2.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Building,
DPI Campus, College Road,
Chennai - 600 006.

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

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 26.09.2013 made in W.P(MD)No.15908 of 2013 on the file of this Court.

Prayer in WP(MD). 15908/ 2013 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to select and appoint this petitioner, to the post of graduate assistants (science) based on the certificate verification held on 14.05.2010 by the TRB, in respect of selection to the post of graduate assistant (science) available at present or in furtherance without insisting passing of Teachers Eligibility Test (TET) in compliance, in the light of the orders passed in Rev.A.No.139 of 2012 and W.A.No.2121 /12 dt.09.07.2013 with all consequential and attendant benefits within a time frame to be fixed by this Honble Court.

For Appellant : Mr.F.X.Eugene

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

3.W.A(MD)No.1252 of 2013:-

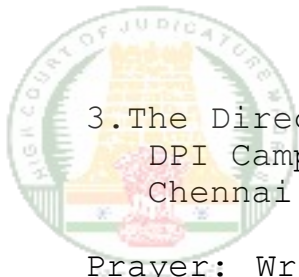
R.Seethalakshmi

... Appellant/Petitioner

Vs.

1.The Secretary,
Government of Tamil Nadu,
Education Department,
Fort St. George,
Chennai - 600 009.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Building,
DPI Campus, College Road,
Chennai - 600 006.



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

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order, dated 26.09.2013 made in W.P(MD)No.15909 of 2013 on the file of this Court.

Prayer in WP(MD). 15909/ 2013 :

Writ Petition filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus directing the respondents to select and appoint this petitioner, to the post of graduate assistants (Science) based on the certificate verification held on 13.5.2010 by the teachers recruitment board, in respect of selection to the post of graduate assistant (Science) available at present or in furtherance, without insisting passing of Teachers Eligibility Test (TET) in compliance, in the light of the orders passed in Rev.A.No.139 of 2012 and Writ Appeal No.2121 of 2012, dated 9.7.2013 with all consequential and attendant benefits.

For Appellant : Mr.F.X.Eugene

For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

COMMON JUDGMENT

**(Judgment of the Court was delivered by
PUSHPA SATHYANARAYANA, J.)**

These Writ Appeals are directed against the dismissal order passed in W.P(MD)Nos.16494, 15908 and 15909 of 2013, dated 24.01.2013 and 26.09.2013 respectively.

2.In W.P(MD)No.16494 of 2014, the appellant / writ petitioner has sought for a direction to the respondents to pass orders to select him for the post of B.T Assistant (History) in backward class general category, as per the seniority and in W.P(MD)Nos.15908 and 15909 of 2013, the appellants / writ petitioners have sought for a direction to the respondents to select and appoint the petitioners to the post of Graduate Assistants (Science) based on the certificate verification held on 14.05.2010 and 13.05.2010 respectively, by the Teachers Recruitment Board, without insisting on the passing of the Teacher Eligibility Test (TET).

3.All these Writ Petitions were dismissed stating that the appellants / writ petitioners have not passed the Teacher Eligibility Test as per G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011.

4.Admittedly, there is no age limit for writing Teacher Eligibility Test (TET) examination and the appellants / writ



petitioners could have qualified themselves by writing the same, as it is mandatory for the selection and appointment. Instead of competing on merits, they have sought for Mandamus, to exempt them from writing the said examination, which is not permissible.

5. One of the appellant / writ petitioner, namely I. Joseph Peter, who was aged about 52 years in the year 2012 would have now attained the age of superannuation. The other two appellants / writ petitioners, namely, J. Joycelin and R. Seethalakshmi, if they have still the age for writing the examination, it is open to them to appear and qualify themselves without insisting for the appointment without having the prescribed qualification.

6. In view of the above facts, we find no merit in the Writ Appeals and accordingly, the same are dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

ps

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.

To

1. The Secretary, Government of Tamil Nadu,
Education Department,
Fort St. George, Chennai - 600 009.

2. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Building,
DPI Campus, College Road, Chennai - 600 006.

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

+3 CC to M/s. F.X. EUGENE, Advocate (SR-1340, 1341, 1342 [F] dated 20/01/2021)

W.A (MD) Nos. 1073, 1251 & 1252 of 2013
19.01.2021

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