



Rev.Apl.No.131 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 26.08.2022

DELIVERED ON : 19.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

Review Application No.131 of 2022
in W.P.No.2128 of 2022

P.J.Punitha

.. Review Petitioner

Vs.

1.State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
School Education Department,
Fort St.George, Secretariat,
Chennai-600 009.

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

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

4.The District Educational Officer,
Chrompet Education District,
Chengalpet District.



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5.The Secretary,
A.J.S.Nidhi Higher Secondary School,
Alandur, Chennai-600 016.

6.The Union of India,
Rep by its Secretary,
Ministry of Education, 124-C, Shastri Bhavan,
New Delhi-110 001.

.. Respondents

Prayer: Review Application filed under Order 47, Rule 1 read with Section 114 of the Code of Civil Procedure, seeking to review the judgment passed by this Court in W.P.No.2128 of 2022 dated 07.04.2022.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.S.Silambanan
Additional Advocate General
assisted by
Mr.T.Chezhiyan,
Additional Government Pleader
for R1 to R5

Mr.T.L.Thirumalaisamy,
Central Govt. Standing Counsel for R6

Mrs.N.Kavitha Rameshwar,
Amicus Curiae

ORDER

This Review application has been filed to review the common order dated 07.04.2022 in W.P.Nos.2128 of 2022 etc., batch.



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2. Mr.G.Sankaran, learned counsel for the review petitioner has raised the following grounds of review:

(i) The qualification for appointment to the post of Teacher has been prescribed by the Academic Authority / National Council for Teacher Education [in short “NCTE”] including Clause 4 of the NCTE Notification dated 23.08.2010, not applying Teacher Eligibility Test [in short “TET”] qualification for the teachers appointed before the date of notification, remains to be the minimum qualification prescribed as per Section 23(1) of the Right of Children to Free and Compulsory Education Act, 2009 [in short “RTE Act”]

(ii) The proviso to Section 23 of the RTE Act does not travel beyond the main provision in Section 23(1) and hence, TET qualification cannot be stated to be applied for teachers already appointed and working at the commencement of the Act, since the qualification prescribed under Section 23(1) of the Act is not applied for teachers appointed prior to the NCTE Notification dated 23.08.2010. Section 23(1) of the RTE Act applies only for existing teachers and the proviso to Section 23 applies to



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fresh appointments. A proviso should be read in consonance with the main provision and it should not be treated as a subordinate legislation. A proviso should be interpreted in consonance with the main provision.

(iii) The Hon'ble Supreme Court in a catena of decisions relating to interpretation of statutes has held that “*a proviso must be construed with reference to the proceedings parts of the Clause to which it is appended*”. Where the Section is doubtful, a proviso may be used as a guide to its interpretation; but when it is clear, a proviso cannot imply the existence of words of which there is no trace in the Section. It is further held that a proviso is subordinate to the main Section and a proviso does not enlarge an enactment except for compelling reasons. Accordingly, the proviso to Section 23(1) to be given meaningful interpretation subject to the main provision and it does not travel beyond the main provision.

(iv) As per the provisions of RTE Act, TET to be conducted by the appropriate Government only in accordance with the guidelines framed by NCTE for the purpose and consequently, the Guidelines framed by NCTE,



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vide Notification dated 11.02.2011, forms the integral part of the first notification dated 23.08.2010.

(v) The NCTE Notification dated 11.02.2011, in Clause 9 of the Notification directs that the “Government should give weightage to TET scores in the recruitment process”. Accordingly, it is mandatory for the appropriate Government to conduct selection for recruitment to the post of teacher only by giving weightage marks secured in TET. That apart, since TET marks, being the criteria for appointment to the post of Teacher, the Notification in Clause 11 permits a candidate qualified with TET to appear again for improving his score.

(vi) The Notification issued by the Academic Authority viz., NCTE under Section 23(1) of the RTE Act, prescribed qualification for appointment to the post of teacher which include method of process for recruitment by which TET score should be taken into consideration in the recruitment process. Accordingly, the qualification prescribed under Section 23(1) of the RTE Act cannot be insisted for any appointment made



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prior to conducting TET by the appropriate Government in accordance with NCTE Notification. Therefore, it is amply clear that appointment of teachers can be made only by granting weightage marks for TET scores in the recruitment process, in which event passing of TET can be insisted only after conducting TET by the appropriate Government in accordance with NCTE Notification.

(vii) This Court has not appreciated with the fact that Plenary Legislation be implemented only after framing of Rules prescribing procedure for implementation of main provisions of the Act. Accordingly, NCTE Notification dated 23.08.2010 to be read along with subsequent notifications by Central Government as well as State Government for implementation of the provisions of the Act.

(viii) This Court has not appreciated with the fact that every State Government prescribed the cut off date for insisting TET qualification viz., State of Kerala prescribed 01.06.2012 as the cut off date for implementation ; likewise State of Karnataka prescribed 28.01.2012 and



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State of Maharashtra has notified 13.02.2013 as the cut off date for implementation of TET qualification.

(ix) This Court has not appreciated of the fact that TRB was appointed as Nodal Agency to conduct TET, vide G.O.Ms.No.181, School Education Department dated 15.11.2011 and conducted TET for the first time on 12.07.2012 with duration of 1½ hours instead of 3 hours to write the examination, resulted in poor percentage of candidates clearing the examination, which was less than 1%. Hence, the Government issued orders in G.O.Ms.No.222, School Education Department dated 25.08.2012 to conduct a supplementary TET for the same year 2012, as regular examination was conducted on 14.12.2012 and the results were published on 02.11.2012. Accordingly, on conjoint reading of Central Government, State Government Notifications under the provisions of RTE Act, TET qualification can be insisted only for the appointment of teachers on or after 16.11.2012, the date of publication of results for the first regular TET Examination in the State of Tamil Nadu.



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3. Mrs.N.Kavitha Rameshwar, learned Amicus Curiae submitted that the proviso mentioned in Section 23 of the RTE Act, 2009 is not relation to Section 23(1), but it relates to Section 23(2) of the said Act. It is further submitted that Section 23(1) is mandatory in nature, whereas Section 23(2) is a qualification to Section 23(1) and the review applicant, under the guise of review, wants to interpret the provisions of statute, which this Court cannot do under review jurisdiction. It is also submitted by the learned Amicus Curiae that if interpretation is given that the minimum qualification of pass in TET will apply only in respect of persons appointed prior to the Act, then Section 23(2) will become otiose and further the proviso is not under challenge here and the constitutional validity of RTE Act was also upheld by the Hon'ble Apex Court in the decision in ***Unaided Private Schools of Rajasthan v. Union of India [(2012) 6 SCC 1]***. As regards G.O.Ms.No.181, School Education Department dated 15.11.2011 is concerned, the same has been clearly interpreted in the decision in ***R.Rajaraman v. Additional Chief Secretary to Government, Secretariat, Chennai [(2012) Supreme (Mad) 3607]***.

4. Heard Mr.S.Silambanan, learned Additional Advocate General



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assisted by Mr.T.Chezhiyan, learned Additional Government Pleader for the respondents 1 to 5 and Mr.T.L.Thirumalaisamy, learned Central Government Standing Counsel for the sixth respondent and both of them reiterated their submission made while hearing the writ petitions, borne out of records, that it is mandatory for all the teachers to acquire the minimum eligibility criteria of pass in TET as per Section 23(1) of the RTE Act, 2009, whether they have been appointed prior to the RTE Act or after the enactment of the said Act.

5. This Court has considered the submissions made and also perused the materials available on record.

6. The primordial ground raised by the learned counsel for the review petitioner is that the proviso to Section 23(2) of the RTE Act does not travel beyond the main provision in Section 23(1) and hence, TET qualification cannot be applied for teachers already appointed and working at the commencement of the Act. Section 23(1) of the RTE Act applies only for existing teachers and Section 23(2) applies to fresh appointments.



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A proviso should be read in consonance with the main provision and it should not be treated as a subordinate legislation. A proviso should be interpreted in consonance with the main provision. According to the review petitioner, the qualification prescribed under Section 23(1) of the RTE Act cannot be insisted for any appointment made prior to conducting TET by the appropriate Government in accordance with NCTE Notification and therefore, it is amply clear that appointment of teachers can be made only by granting weightage marks for TET scores in the recruitment process, in which event, passing of TET can be insisted only after conducting TET by the appropriate Government in accordance with NCTE Notification.

7. According to the review petitioner, as per Section 23(1) of the RTE Act, 2009, NCTE, being the academic authority under the Act, vide notification dated 23.08.2010 under Clause 4 has exempted that teachers appointed for Classes I to VIII prior to the date of this Notification need not acquire the minimum qualifications prescribed in Para (1) above, which includes pass in TET and para 5 of the Notification also prescribes



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that where an appropriate Governance, or local authority or a School has issued an advertisement to initiate the process of appointment of teachers prior to the date of this notification, such appointments may be made in accordance with NCTE Regulations, 2001, in which case, TET is not mandatory. According to the review petitioner, when the Notification of the academic authority, namely NCTE exempted the teachers appointed prior to the Act and where the process of appointment of teachers were initiated prior to the enactment of the Act, insistence of TET can be made applicable only to teachers appointed after the commencement of the Act and not earlier.

8. Before proceeding to the grounds raised by the review petitioner, it is useful to extract Section 23(1) of the RTE Act, 2009:

“23. Qualifications for appointment and terms and conditions of service of teachers.—

(1) Any person possessing such minimum qualifications, as laid down by an academic authority, authorised by the Central Government, by notification, shall be eligible for appointment as a teacher.

(2) Where a State does not have adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under sub-section (1) are not available in sufficient numbers, the Central Government may, if it deems necessary, by notification, relax the minimum qualifications required for appointment as a teacher, for such period, not exceeding five years, as may be specified in



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that notification:

Provided that a teacher who, at the commencement of this Act, does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of five years.

[Provided further that every teacher appointed or in position as on the 31st March, 2015, who does not possess minimum qualifications as laid down under sub-section (1), shall acquire such minimum qualifications within a period of four years from the date of commencement of the Right of Children to Free and Compulsory Education (Amendment) Act, 2017 (24 of 2017)]

(3) The salary and allowances payable to, and the terms and conditions of service of, teachers shall be such as may be prescribed.”

9. The above provision would make it abundantly clear that the intention of the Legislature to prescribe minimum qualifications for teachers was made while there may be certain States which do not have adequate institutions offering courses or training in teacher education, or where teachers possessing minimum qualifications are not available in sufficient numbers. It is in this context that proviso to Section 23(2) of the RTE Act states that a teacher who, at the commencement of this act, does not possess minimum qualifications as laid down under sub section (1), shall acquire such minimum qualification within five years. The legislature therefore has made it mandatory for every teacher, who, at the time of commencement of the Act, does not possess minimum qualification as prescribed under the Act, to acquire the said minimum qualification within



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a period of 5 years. The emphasis on the words “*at the commencement of this Act*” would make it clear that the *legislature intended to laid down uniform standard for all teachers i.e., for teachers who are already in service at the commencement of the Act, as well as those to be appointed after the commencement of the Act.*

10. NCTE, being the Academic Authority constituted by the Central Government under Section 23(1) of the RTE Act, has issued a notification dated 23.08.2010, prescribing the minimum qualification for teachers and it was subsequently, amended vide notification dated 27.09.2011.

11. The State Government, in exercise of powers conferred by sub-Section (1) of Section 38 of RTE Act, 2009, has framed the Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011, vide G.O.(Ms.)No.173, School Education (C2) Department dated 08.11.2011.

Rule 16 of the said Rules reads as under:

“16. Acquiring minimum qualification– (1) The State Government shall provide adequate teacher education facilities to ensure that all teachers in schools referred to in sub-clause (i) and (ii) of clause (n) of section 2, who do not



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possess the minimum qualification as laid down by the academic authority authorized by the Central Government at the time of commencement of the Act, to acquire such minimum qualification within a period of five years from the commencement of the Act.

(2) For a teacher, of any school referred to in sub-clause (iv) of clause (n) of Section 2, who does not possess the minimum qualification as laid down by the academic authority authorized by the Central Government at the time of commencement of the Act, the management of such school shall enable such teacher to acquire such minimum qualifications within a period of five years from the commencement of the Act.”

12. Pursuant to the said Act, Rules, notifications issued by NCTE, the State Government had also issued G.O.(Ms.)No.181 School Education (C2) Department dated 15.11.2011, whereby it has been mentioned in as follows:

*“3. The said section clearly specifies that teachers who at the commencement of this Act, do not possess minimum qualifications as prescribed by the academic authority authorized by the Central Government shall acquire such minimum qualifications within a period of 5 years. Hence, the “Teacher Eligibility Test (TET)” would have to be conducted for recruiting teachers for the primary and upper primary classes. The teachers working in unaided private schools are required to pass teacher Eligibility Test within 5 years. **In the State of Tamilnadu, Secondary Grade teachers (those teaching classes I to V) are required to have minimum qualifications of D.T.Ed. and graduate Assistants (BT Assistant) (those teaching***



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classes VI to VIII) are required to have minimum qualifications of B.Ed. they should also pass Teacher Eligibility Test forthwith.”

13. The Central Act and the Rules framed by the State Government are very clear that TET is mandatory for all the teachers from Classes I to VIII, irrespective of their date of appointment. Hence, it is amply clear that teachers, who are already working in schools at the time of commencement of the act, if they do not possess such qualification, the Legislature thought fit to give sufficient time for the teachers to acquire such minimum qualification under the RTE Act, 2009.

14. The constitutional validity of the RTE Act, 2009 was upheld by the Hon'ble Supreme Court in the decision in ***Unaided Private Schools of Rajasthan v. Union of India [(2012) 6 SCC 1]***.

15. A Writ Petition in W.P.No.28342 of 2012 came to be filed seeking that Secondary Grade Teachers should be appointed only if they possess the eligibility criteria of pass in TET. The writ petition was



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disposed of by recording the statement of the Chairman of TRB as well as the State Government that all selections for Secondary Grade Teachers will be only based on TET. On an appeal by a private respondent, who opposed TET in ***W.A.No.1736 of 2012 dated 22.08.2012***, the Hon'ble First Bench of this Court, in the case of ***R.Rajaraman Vs. Additional Chief Secretary to Government, Secretariat, Chennai***, had confirmed the judgment of the Learned Single Judge and held as follows:

*“12. This Court, after thoroughly analysing the subject matter involved in the writ appeal in the backdrop of the facts involved in the case, discussed the concept of legitimate expectation in great detail as earlier dealt with by this Court in P. Suseela & Others vs. University Grants Commission [W.A. Nos.893 of 2010 dated 6.12.2010], observed that the principles of legitimate expectation will have no application to the facts and circumstances of the present case as even in terms of the Right to Education Act, it was mandatory for the State to recruit Secondary Grade Teachers and B.T. Teachers only by conducting the Teacher Eligibility Test, **the object being to bring national standards and benchmark of teacher quality in the recruitment process and with a view to induce the teachers and the educational institutions to further improve their performance and with a view to send a positive signal to all stake-holders that the Government lays special emphasis on teacher quality.***

13. In our considered opinion, therefore, the principles laid down in the above judgment squarely answer the questions raised in the present case. The learned single Judge was perfectly right in accepting the statement made



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*by the learned Special Government Pleader and the stand taken in the counter affidavit filed on behalf of the Teachers Recruitment Board that only those appear and pass the Teacher Eligibility Test will be eventually selected for appointment to the post of Secondary Grade Teachers”
(emphasis supplied)*

Therefore, there has never been any dispute, as far as the State of Tamilnadu is concerned, that TET is mandatory for selection and appointment, as neither the State Government nor the Central Government has expressed any doubt on the applicability of the eligibility of a pass in TET for all the teachers, either as a Secondary Grade Teacher or a B.T. Assistant upto classes I to VIII.

16. Let this Court considers the decision rendered in ***M.Maharani Vs. The State of Tamilnadu and Ors. [MANU/TN/0608/2019]***, wherein the question as to whether teachers appointed prior to NCTE Notification dated 29.07.2011 would require to pass the TET for continuing in service came up for consideration and it is relevant to extract the following portions of the said decision:

“10. However, there is no cut off date specified in the said G.O. Ms. No. 181, with regard to acquiring the qualification of pass TET to continue in service as B.T. Assistants /Secondary Grade Teachers, who are working as



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such in the respondent Schools. In this regard, a cursory glance at Clause (5) of the notification dated 23.08.2010 and its amended notification dated 29.07.2011 issued by the NCTE, the contents of which are reproduced at paragraph nos. 8.2 and 8.4 above, would reveal that if the process of appointment of teachers was initiated prior to the date of notification by issuing advertisement, such appointments have to be made in accordance with NCTE (Determination of Minimum Qualifications for Recruitment of Teachers in Schools) Regulations, 2001 and the same was amended with effect from 29.07.2011. As per the said NCTE Regulations 2001, there is no qualification prescribed with regard to possession of TET certificate, for appointment to the post of B.T Assistant and Secondary Grade Teachers. The qualification of passing TET was first introduced by the notification dated 23.08.2010 and it was amended vide notification dated 27.09.2011. Thus, it could be inferred that the cut-off date for acquiring the TET qualification is 27.09.2011 and the teachers, who were appointed prior to that date need not pass TET and even in the case of the teachers who were appointed after that date, if the advertisement to initiate the process of appointment of teachers was made prior to that date, then, their appointments also can be in accordance with the NCTE Regulations 2001 and they need not acquire the TET qualification.

12. In the ultimate analysis, this Court has no hesitation to hold that the petitioners are entitled to seek exemption from passing TET, as they were appointed prior to the cut-off date and the respondents are directed not to insist TET certificate from the petitioners as a pre-condition for their continuance in service as B.T. Assistants.”

17. The said judgment in ***Maharani's case*** cited supra was also



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followed in *V.Fathima Riswana and ors. Vs. The Chief Educational Officer, Tirunelveli and Ors. reported in MANU/TN/4852/2020 dated 13.08.2020*. It is to be pointed out that the decisions in *Maharani's case* and *Fathima Riswana's case* cited supra cannot be said to be good law for the reason that the insertion of the second proviso by the Amendment Act 2017 to the RTE Act 2009, RTE Rules, 2011 as well as the subsequent communications between the Central and State Government have not been considered in the said decision. Therefore, this Court has considered the issue on hand based on the provisions of RTE Act, 2009, RTE Rules, 2011, NCTE Notifications, communications between the State and Central Government as well as available materials.

18. An independent reading of the NCTE notification without reference or recourse to the RTE Act would not be in accordance with legal principles in order to decipher the true meaning and intent of the enactment. Once again, it is to be noted that the developments relating to the persistent stand of both the Central and the State Government to act in strict adherence to TET as an eligibility criteria, not only for fresh



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appointments but also continuance in service, has been stressed upon. The initial notifications issued by the NCTE dated 23.08.2010 as well as the subsequent amendment made to the said notification on 29.07.2011 are intended only to implement the RTE Act, 2009 and it cannot override the statutory Rule under Section 23 of the RTE Act.

19. It is a well settled position of law that in case of conflict between statutory rules and executive orders, the Statutory Rules/Act would prevail. Where there is conflict between the provisions of a rules made under proviso to Article 309 of the Constitution of India and the Government order made in exercise of the executive power under Article 162 of the Constitution, the former would prevail over the latter. An Executive order cannot override rules framed under Article 309 of the Constitution of India. Any act done in exercise of the executive power cannot override the rules framed under Article 309 of the Constitution. Even when there is a conflict between the State Act and the Central Act, on the context of repugnancy, the Central Act would prevail *[All Kerala Distributors Association, Kottayam Unit v. The State of Kerala and*



Others, MANU/SC/0927/2022].

20. The NCTE, being the Academic Authority authorized by the Central Government by virtue of Section 23(1) of the RTE Act, prescribed the minimum qualification for recruitment as teachers for Classes I to VIII. The language used in proviso to Section 23 of the RTE Act, 2009 is very clear that teacher who, at the commencement of the Act, does not possess minimum qualification, as laid down under sub-section (1), shall acquire such minimum qualification within a period of five years. The period of five years was initially granted by the Act / statute in order to enable the existing teachers, who were already in service at the commencement of the Act, to acquire such minimum qualification of pass in TET and also in circumstances where a State not having adequate institutions offering courses or training in teacher education, or teachers possessing minimum qualifications as laid down under Sub-Section (1) are not available in sufficient numbers. Even the RTE Rules, 2011 framed by the State Government also emphasised that all teachers in schools are required to acquire such minimum qualification within a period of five years from the



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commencement of the Act i.e., 31.03.2015. The Government of Tamil Nadu have also issued G.O.Ms.No.181, School Education Department dated 15.11.2011, making the TET compulsory and designated Teachers Recruitment Board as the nodal agency for conducting TET and for recruitment of teachers. Subsequently, vide RTE Amendment Act, 2017, the period to acquire the minimum qualification was extended for a further period of 4 years i.e., within 31.03.2019. The intention of the Central Government is to ensure strict enforcement of Section 23 of the RTE Act, 2009 and therefore, they have declined to grant further extension of time sought for by the State Governments for completion of TET by teachers. All these aspects have been well considered by this Court in the order dated 07.04.2022 in W.P.No.28284 of 2022 etc., batch, which is the subject matter of review.

21. In view of the aforesaid discussions on the RTE Act, 2009 and the RTE Rules, 2011 framed by the State Government, reliance placed before this Court on G.O.(P) No.244/12/G.Edn., General Education (J) Department dated 25.07.2012, in and by which the Government of Kerala



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has granted exemption for teachers, who are appointed against regular vacancies on or before 31.03.2012 from acquiring TET, would not render any assistance to the case on hand.

22. The learned Additional Advocate General and the learned Central Government Standing Counsel for the State and Central Government respectively have also reiterated their earlier stand taken by them at the time of arguments in the writ petitions, which is the subject matter of review, that irrespective of their appointment prior to the RTE Act or after the Act, it is mandatory for all the teachers to possess the minimum eligibility criteria of pass in TET.

23. In view of the aforesaid statutory provisions and the Rules framed thereunder, it is mandatory for teachers to acquire the minimum qualification of pass in TET, irrespective of their appointments prior to the RTE Act, 2009 or after the enactment of the Act. If the contention of the review petitioner is accepted, then the very object and purpose of the RTE Act, 2009 would be defeated. Even assuming for the sake of arguments



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that the interpretation to Section 23 of the RTE Act, 2009 is done as claimed by the review petitioner, then there will be two set of teachers in every school; one set with TET qualified teachers and others will be unqualified teachers and thereby disparity would prevail among the quality of teachers imparting education to students and the same would be contrary to the observation made by the Hon'ble First Bench of this Court in ***R.Rajaraman's case*** cited supra, wherein it was observed that the object of the RTE Act, 2009 is to bring national standards and benchmark of teacher quality in the recruitment process and with a view to induce the teachers and educational institutions to further improve their performance and with a view to send a positive signal to all stake-holders that the Government lays special emphasis on teacher quality. Therefore, the contentions of the review petitioner are untenable, unfounded and the same are liable to be rejected.

24. The review petitioner wants to interpret the provisions of Section 23 of the RTE Act, 2009 as if Sub-Section (1) pertains to existing teachers and whereas Sub-Section (2) and the proviso therein pertains to fresh recruits. This Court, in exercise of its revisional jurisdiction, cannot



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do such an exercise. It is also well settled principle of law that while resorting to interpreting some of the provision of a statute, Courts should be loathe to adopt a construction which tends to make any part of the statute otiose. Courts should always strive for arriving at a balanced view by adopting the rule of liberal construction so as to ensure its full meaning to all parts of the provision and make, as far as possible the whole of it effective and operative. The Courts also would not usually disperse or restructure the Section unless it is essential or it is the only rational method by which the whole of it can be given its full meaning and content. Even when there is *casus omissus*, it is for the Parliament than Courts to remedy the defect.

25. The well settled principle is that an interpretation of the statutory provisions which defeats the intent and purpose for which the statute was enacted should be avoided. In the case on hand, the intention of the Legislature is to bring standards in the quality of teaching and to assess the teachers whether they have teaching competency and a positive attitude towards teaching or not. In order to achieve the said objective, RTE Act,



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2009 came into force with effect from 01.04.2010, in and by which the Academic Authority, namely NCTE has prescribed the minimum eligibility criteria of pass in TET for the teachers.

26. A judgment is open to review inter alia, there is a mistake apparent on the face of the record under Order 47 Rule 1 CPC. A review petition has a limited purpose and cannot be allowed to be “an appeal in disguise”. The power of review can be exercised for correction of the mistakes and not to substitute a view. The petitioner has not made out any ground warranting interference or pointed out any error apparent on the face of the record to review the order passed in the writ petition. Therefore, the order, which is the subject matter of review, does not warrant any interference.

27. This Court, in the subject matter of order under review dated 07.04.2022 in W.P.Nos.28284 of 2022 etc., batch, has directed the respondents to ensure strict compliance of the instructions issued by the Principal Secretary to Government, School Education Department dated



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02.05.2019, but so far, no material has been placed before this Court as to any subsequent developments made by the State Government with regard to compliance of the said order. Therefore, this Court directs the respondents to comply with the directions issued by this Court in the order dated 07.04.2022 in W.P.Nos.28284 of 2022 and file compliance report before this Court within a period of six months from the date of receipt of a copy of this order.

28. The Review Application stands dismissed with the above directions. No costs.

19.10.2022

Index:yes/no
Internet:yes/no
Jvm

To

- 1.The Principal Secretary to Government,
School Education Department,
Fort St.George, Secretariat, Chennai-600 009.
- 2.The Commissioner,
Directorate of School Education,



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DPI Campus, College Road,
Chennai-600 006.

- 3.The Chief Educational Officer,
Chengalpet, Chengalpet District.
- 4.The District Educational Officer,
Chrompet Education District,
Chengalpet District.
- 5.The Secretary,
A.J.S.Nidhi Higher Secondary School,
Alandur, Chennai-600 016.
- 6.The Secretary, The Union of India,
Ministry of Education, 124-C, Shastri Bhavan,
New Delhi-110 001.



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D.KRISHNAKUMAR, J.,

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Order in
Review Application No.131 of 2022

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