



WEB COPY



W.P.No.26239 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.07.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.26239 of 2014

and

M.P.No.1 of 2014

C.Harathi

... Petitioner

Vs.

1.The Government of Tamil Nadu
rep. by Secretary to the Government,
School Education Department,
Fort St.George, Chennai – 600 006.

2.The Director of Elementary Education,
College Road, Chennai – 600 006.

3.The Member-Secretary,
Teachers Recruitment Board,
College Road, Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3rd respondent in relation to non-selection of petitioner as Secondary Grade Teachers for the year 2012 in relation tot the proceedings No. Nil dated Nil and quash the same and issue a consequential direction to the respondents to select and appoint the petitioner as Secondary Grade Teacher as against the estimated vacancies for 2012 and for selection for the year 2012 with all consequential benefits.



W.P.No.26239 of 2014

For Petitioner : Mr.R.Saseetharan
For R1 and R2 : Mrs.S.Anitha
Special Government Pleader
For R3 : Mr.C.Kathiravan
Special Government Pleader

ORDER

The non-selection of the writ petitioner for appointment to the post of Secondary Grade Teacher for the year 2012 is under challenge in the present writ petition. Further, direction is sought for to select and appoint the petitioner to the post of Secondary Grade Teacher.

2. The writ petitioner states that she passed 10th standard in March 1996 and then Higher Secondary School Examination in March 1998. She underwent two years Diploma course in Teacher Education for a period from 2009-2011 and completed the said course in June 2012. She was awarded a Diploma in Elementary Education by the Government of Tamil Nadu. The said Diploma is equivalent to the Secondary Grade Teacher Certificate qualification as per Tamil Nadu Elementary Education Subordinate Service Rules. The certificate of Diploma was issued on 31.12.2012. She has registered her qualification in the Employment Exchange.

3. As per the notification issued by the National Council for

<https://www.mhc.tn.gov.in/judis>

Teacher Education (NCTE), the Teachers Eligibility Test (TET) is



mandatory for appointment to the post of Secondary Grade Teacher and as well as B.T.Assistant, apart from the academic qualifications. Pursuant to the notification, the Government of Tamil Nadu has issued G.O.(Ms).No.181 dated 15.11.2011, prescribing guidelines for conduct of examination. The petitioner participated in the examination in June 2012. In the result, for the said examination, very less number of candidates secured the pass percentage i.e., 60%, which is lower than the number of vacancies notified during the relevant point of time. Thus, the petitioner and other candidates were allowed to appear in the Supplementary Examination. The petitioner wrote the Supplementary Examination on 14.10.2012 and secured 92 marks out of 150, which is 60% and a pass percentage. The Teachers Recruitment Board by memo dated 03.11.2012, called the writ petitioner for certificate verification held on 09.11.2012. The petitioner appeared for certificate verification on 09.11.2012. However, the petitioner was not selected and the reason given for non-selection is that “the Diploma in Teachers Education is not completed”. In fact, the petitioner completed the Diploma in Teachers Education in June 2012 and there was a delay in issuing the certificate by the Institution. The certificate was issued on 31.12.2012 and the petitioner was not provided with an opportunity to submit her certificate issued by the Institution.



WEB COPY

4. The learned counsel appearing on behalf of the petitioner mainly contended that the petitioner became successful in the Supplementary Examination conducted in October 2012. She secured 92 marks and participated in the certificate verification. Though the petitioner completed the course of Teachers Education, the certificate was issued only on 31.12.2012 and therefore, there was a delay in submitting the certificate. However, there was a development in the matter of process of selection. In view of the fact, that less number of candidates passed in the eligibility test, the Government issued G.O.(Ms).No.71, School Education Department dated 30.05.2014, granting relaxation of 5% of marks in the Tamil Nadu Teachers Eligibility Test (TNTET). In view of the said relaxation granted by the Government of Tamil Nadu, many number of candidates were inserted in the selection list and therefore, the petitioner lost her opportunity. That apart, the 2013 vacancies were also clubbed along with the 2012 vacancies at a later point of time, which also resulted in adding of more number of candidates and the petitioner could not succeed in the process of selection.

5. The learned counsel for the petitioner mainly contended that the petitioner, at the first instance, was selected in the Supplementary Test.

Because of the delay in issuing the Diploma certificate by the Institution,



W.P.No.26239 of 2014

she lost her opportunity. Though the opportunity was given to the writ petitioner, the Government issued a G.O.(Ms).No.71, granting relaxation of 5% marks in the Teachers Eligibility Test, which resulted in adding of more number of candidates in the selection list. Adding of the vacancies in the year 2013 also contributed for the non-selection of the writ petitioner in the selection of the year 2012. For all these reasons, the petitioner is to be considered for selection.

6. The learned Special Government Pleader appearing on behalf of the respondents objected the said contentions by stating that the petitioner, at the first instance, was not successful in the examination held in June 2012. However, she had participated in the Supplementary Teachers Eligibility Test and secured 92 marks. The Government issued G.O.(Ms).No.71 pursuant to the order of the High Court dated 29.04.2014 in W.P.No.5590 of 2014 and other batch of cases. Therefore, the relaxation was granted by the Government pursuant to the orders of the Court and at this length of time, the petitioner cannot seek any selection as she was not selected during the relevant point of time.

7. In compliance with the orders of this Court in W.P.No.34291 of 2012, the case of the petitioner for selection and appointment to the post of Secondary Grade Teacher for the year 2012-2013 was considered in



W.P.No.26239 of 2014

proper perspective and on merits. As the Teachers Eligibility Test certificate is valid for 7 years, the petitioner was considered on par with other candidates, who cleared Teachers Eligibility Test for selection and appointment to the post of Secondary Grade Teachers for the year 2013 pursuant to the recruitment notification dated 21.08.2014 for the post of Secondary Grade Teachers. The cut off marks of the last candidate selected under BC General Turn and BC women turn for recruitment to the post of Secondary Grade Teachers for the year 2013 are respectively 75.48 and 75.44 , whereas the cut off marks of the petitioner, who also belongs to the BC is only 71.24. Thus, the petitioner was not eligible for selection and appointment to the post of Secondary Grade Teacher for the year 2013. However, she can compete with other Teachers Eligibility Test qualified candidates in future recruitments.

8. In view of the fact that the petitioner was not within the zone of consideration in respect of selection of the year 2013, now after a lapse of about 9 years, the relief as such sought for to select and appoint the petitioner cannot be considered and therefore, the writ petitioner is not entitled for the relief.



W.P.No.26239 of 2014

9. Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

WEB COPY

07.07.2022

Jeni/Kak

Index : Yes

Speaking order : Yes

To

- 1.The Secretary to the Government,
The Government of Tamil Nadu
School Education Department,
Fort St.George, Chennai – 600 006.
- 2.The Director of Elementary Education,
College Road, Chennai – 600 006.
- 3.The Member-Secretary,
Teachers Recruitment Board,
College Road, Chennai – 600 006.



WEB COPY



W.P.No.26239 of 2014

S.M. SUBRAMANIAM, J.

Jeni/Kak

W.P.No.26239 of 2014

07.07.2022