



WEB COPY



W.P.No.33941 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.08.2022

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No.33941 of 2018

P.Anand Selvakumar

... Petitioner

Vs

1.The Government 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,
College Road, Nungambakkam,
Chennai – 600 006. (R.P.A.D.)

3.The Member Secretary,
Teachers Recruitment Board,
E.V.K. Sampath Buildings,
College Road, Numgambakkam
Chennai – 600 006.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the 1st respondent herein to dispose of the representation of the petitioner dated 14.09.2018 and thereby resolving the issue related to the recruitment of B.Ed. Grade Teacher by T.R.B., duly considering the candidature of the fully qualified B.E. (UG) Graduates with the essential qualification of B.Ed. and T.E.T. As per the NCTE Regulations, 2014 and followed by the G.O.(1D).No:168, Higher Education (G1) Department, dated 07.07.2015,



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issued by the Government of Tamil Nadu.

For Petitioner : Mr.R.Muthukkannu

For Respondents : Mr.T.Sampathkumar
Government Advocate (for RR 1 & 2)

: Mr.C.Kathiravan
Special Government Pleader (for R 3)

ORDER

The prayer sought for herein is for a writ of mandamus directing the 1st respondent herein to dispose the representation of the petitioner dated 14.09.2018 and thereby resolving the issue related to the recruitment of B.Ed. Grade Teacher by T.R.B., duly considering the candidature of the fully qualified B.E. (UG) Graduates with the essential qualification of B.Ed. and T.E.T. as per the NCTE Regulations, 2014 and followed by the G.O.(1D).No:168, Higher Education (G1) Department, dated 07.07.2015, issued by the Government of Tamil Nadu.

2. The petitioner after 10 + 2 under the State Board syllabus studied B.E. (U.G.) Degree i.e. Bachelor degree in Electronics and Communication Engineering and completed the degree in the year 2011. Thereafter, the petitioner also studied M.E. (VLSI Design) and completed the M.E. Degree in 2013 thereafter the petitioner joined in B.Ed. degree



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course and completed B.Ed. degree in 2014.

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3. After having qualified with the aforesaid degrees, the petitioner wanted to apply to the post of B.Ed. Teachers to be recruited by the State Government through the 3rd respondent, however every time when applications are called for from eligible candidates to participate in the T.E.T. Examination to get qualified themselves for the appointment of Teachers, the B.E. qualified (U.G.) graduates are not permitted to participate in the said examination, thereby those who are having the B.Ed. qualification along with other B.E. Engineering are not permitted to participate in the T.E.T. Examination, as a sequel they would not be entitled to or seek for any job like the B.Ed. graduate or B.T. Assistant.

4. In this context, it is the case of the petitioner that the National Council for Teacher Education (in short 'NCTE') is the Apex body. In order to have a qualified faculty throughout the country, that NCTE was established under the NCTE Act. The NCTE under its rules and regulations making power issued regulations from time to time, based on such regulations, the qualifications of candidates to write the B.Ed.



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examination and write the T.E.T. Examination have also been prescribed, where, the persons who are having the B.E. degree qualification with subject Mathematics, Science and in specialisation would be eligible to be considered for appointment to B.Ed. degree programme, accordingly the B.Ed. degree programme is meant for, like any other U.G. Graduates, also would be available for those who completed B.E. (U.G.) degree.

5. Therefore, the petitioner applied and passed out the T.E.T. Examination also with B.Ed. qualification, however his candidature is not considered for the purpose of appointment as B.T. Teacher. Therefore, in order to rectify this anomaly to accept the qualification of the persons, who are having the U.G. Degree in Engineering discipline with B.Ed. qualification as T.E.T. qualification for the purpose of appointment to the post of B.T. Assistant, the petitioner has given representation on 14.09.2018 to the respondents. However, the said representation since has not been considered and no orders have been passed, the petitioner has approached this Court by filing the present writ petition.

6. Heard Mr.R.Muthukkannu, learned counsel appearing for the



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petitioner who pointed out that, in view of the NCTE regulation made by NCTE which is an apex body to fix the norms for admitting candidates in any Teacher Education course like B.Ed. degree, the persons are permitted to pursue B.Ed. degree course and those who completed B.E. degree with B.Ed. degree to write the T.E.T. Examination. When that being so, all other qualifications like U.G. Degree, B.Ed. degree + T.E.T. Qualification since obtained by the persons like the petitioner merely because the U.G. Degree is Engineering discipline the candidature of the petitioner like persons cannot be put out of the purview of the recruitment to the B.T. Assistant and B.Ed. Teacher post. Therefore, the learned counsel seeks indulgence of this Court to consider the said representation submitted by the petitioner and to take a decision thereon by the State Government represented by the 1st respondent.

7. On the other hand, Mr.T.Sampath Kumar, learned Government Advocate appearing for the respondents 1 and 2 as well as Mr.C.Kathiravan, learned Special Government Pleader for the 3rd respondent, by relying upon the averments made in the counter affidavit filed by the 3rd respondent would submit that, the State Government had



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issued a Government Order in G.O.Ms.No.149 School Education Department dated 20.07.2018 stating that, in the Teacher Eligibility Test, eligible candidates have to appear for written examination for all future recruitments of B.T. Assistants. Therefore, mere having a qualification of B.Ed. and Teacher Education qualification would not entitle such candidates like the petitioner to seek for a job of B.T. Assistant.

8. I have considered the said rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

9. If it is a stand of the respondents that those who have qualified to hold the post of B.T. Teacher i.e. B.T. Assistant, hitherto the procedure was followed that the U.G. or/and P.G. Degree with B.Ed. qualification as well as T.E.T. qualification would be considered for such appointment. However, pursuant to G.O.Ms.No.149, School Education Department dated 20.07.2018, those candidates, though qualified with aforesaid qualification, would have to undergo by writing a further examination which is a competitive examination to be conducted in this regard and



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therefore, only those who written the competitive examination and become successful would be entitled to hold the post of B.T. Assistant.

10. Be that as it may, now the plea raised by the petitioner is that the petitioner shall be permitted to participate in the selection process including any written examination to be conducted in this regard on par with other candidates who are having the same qualification like the U.G. Degree, B.Ed. degree and T.E.T. qualification like the petitioner.

11. Merely because the petitioner is having the U.G. Degree in Engineering discipline and P.G. Degree in Engineering discipline, his other qualification i.e. B.Ed. degree and T.E.T. qualification cannot be ignored.

12. If that being so, based on the NCTE Regulations, those who are having the engineering discipline U.G. Degree are entitled to join in B.Ed. degree and accordingly also he had obtained the B.Ed. degree, therefore he should be allowed to write the T.E.T. Examination which is also the qualification as prescribed by the academic authority viz., NCTE under the provisions of the Right to Free and Compulsory Education Act, 2009. Such



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qualification whoever is having certainly would be entitled to participate in competitive examination further to be conducted by the State Government as claimed in the counter affidavit of the 3rd respondent, pursuant to G.O.Ms.No.149 School Education Department dated 20.07.2018.

13. In that view of the matter, this Court feels that the plea raised by the petitioner through the representation dated 14.09.2018 can very well be considered by the respondents especially the 1st respondent State Government with an input to be supplied in this regard by the 2nd respondent i.e. Director of School Education and hence this Court feels that this writ petition can be disposed of with the following orders:

That there shall be a direction to the respondents especially the 1st respondent to decide the plea raised by the petitioner through his representation dated 14.09.2018 and pass orders thereon on merits and in accordance with law especially in the context of NCTE Regulation as well as the observation made herein above in this order and such needful shall be made and final order shall be passed by communicating the same to the petitioner within a period of eight weeks from the date of receipt of a copy of this order.

14. With this direction, this Writ Petition is disposed of. No costs.



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Index : Yes / No

Speaking Order : Yes / No

Sgl

To

- 1.The Principal Secretary to Government,
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School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director of School Education,
College Road, Nungambakkam,
Chennai – 600 006. (R.P.A.D.)
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R. SURESH KUMAR, J.

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