



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.02.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD) No.2527 of 2022

and

W.M.P.(MD) No.2224 of 2022

- 1.I.Sagayaraj
- 2.T.Sesu Raj
- 3.R.Lawrence
- 4.I.Sesurajan
- 5.X.Jayakumar
- 6.R.Antony Louis
- 7.G.Thomas

... Petitioners

Vs.

- 1.The Government of Tamil Nadu
Rep.by its Secretary,
Department of School Education,
Fort St.George, Chennai-9.
- 2.The Director of School Education,
DPI Campus,
College Road, Chennai-6.
- 3.The Chief Educational Officer,
Trichy, Trichy District.
- 4.The District Educational Officer,
Old Collectorate Office Building, Trichy,
Trichy District.
- 5.The Correspondent,
R.C.Hr.Sec.School,
Bharathiar Salai, Cantonment,
Trichy, Trichy District.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to consider the representation dated 16.12.2019 consequently direct the respondents to disburse the annual periodical increments,

<https://hcservices.ecourts.gov.in/hcservices/>



incentive for higher qualification teachers, Encashment of earned leave and promotion etc., to the petitioners.

For Petitioner : Mr.S.N.Subramani

For Respondent : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

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O R D E R

As per the Notification issued by the National Council for Teacher Education, the Teachers Eligibility Test/National Eligibility Test is mandatory for securing appointment as a Teacher in Educational Institutions. Admittedly, the petitioners have not passed the Teachers Eligibility Test. Further, the petitioners were appointed after the cut-off date and therefore, they are bound to clear the Teachers Eligibility Test for the purpose of securing regular employment in the Education Department as Teacher.

2. The District Educational Officer, in his proceedings dated 29.05.2020, informed the School that "except salary, no other benefits will be granted to seven teachers, who have not passed the Teachers Eligibility Test". It is made clear that passing of Teachers Eligibility Tests becomes mandatory, as per the Notification including minority school teachers. The Educational Qualifications for the appointment to the post of teachers are not exempted for minority institutions. In this regard, the Courts have also ruled in many decisions. Therefore, minority institutions cannot seek exemption from passing the requisite educational qualifications as per the Rules in-force and the notification issued by the National Council for Teacher Education. When the uniform standard for prescription of Educational qualifications are adopted at the National level, such qualifications cannot be exempted in respect of few institutions on the ground of minority. In the event of such exemption, the very purpose and object of prescription of the qualifications of the Teachers Eligibility Test would be defeated and therefore, the Courts have held that there cannot be exemption from passing the requisite educational qualification for appointment to the post of Teachers. Therefore, all appropriate steps are to be taken to ensure that the qualified teachers are appointed in all the Educational Institutions for the purpose of educating the students. The importance attached to the qualification of Teachers Eligibility Test cannot be taken away by appointing the unqualified persons.

3. Under these circumstances, the petitioners are not entitled for any relief as sought for in the present writ petition. Merely directing the respondents to consider the representation submitted by the petitioner would do no service to the cause of



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justice. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

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/ /2022

Sub Assistant Registrar (CS)

ssb

To

- 1.The Government of Tamil Nadu
Rep.by its Secretary,
Department of School Education,
Fort St.George, Chennai-9.
- 2.The Director of School Education,
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- 3.The Chief Educational Officer,
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Trichy District.

+1 CC to M/s.SPL.GP (SR-4998[F] dated 09/02/2022)

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