



W.P.(MD)No.13349 of 2014

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.12.2022

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.13349 of 2014

and

M.P(MD)No.2 of 2014

K.Vairamuthu

... Petitioner

Vs.

1. The Principal Secretary to Government,
Department of Education,
Secretariat, Saint George Fort,
Chennai.

2. The Director,
State Council for Educational Research and Training,
DPI Campus, College Road,
Chennai.

3. The Joint Director (Administration),
State Council for Educational Research and Training,
DPI Campus, College Road, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Declaration*, declaring the Notification III Rule 5(b), in the Table, in column (3) against the entry in column (1) thereof, against the entry



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“Promotion and recruitment by transfer” in Column (2) thereof, in entry (iii) Teaching experience for a period of not less than five years as Principal in any Government Teacher Training Institute in the G.O. (Ms) No. 133 School Education Department, dated 14.06.2007 amended as per the notification in G.O. (Ms) No. 261 School Education Department (U2) dated 07.08.2010 as unreasonable, arbitrary and unconstitutional as violating the Article 14 of the Constitution of India.

For Petitioner : M/s.G.Chandrasekar

For Respondents : M/s.N.Muthu Vijay
Special Government Pleader

ORDER

This Writ Petition has been filed by the petitioner seeking declaration to declare the Notification III Rule 5(b), in the Table, in column (3) against the entry in column (1) thereof, against the entry “Promotion and recruitment by transfer” in Column (2) thereof, in entry (iii) Teaching experience for a period of not less than five years as Principal in any Government Teacher Training Institute in the G.O. (Ms) No. 133 School Education Department, dated 14.06.2007 amended as per the notification in G.O. (Ms) No. 261 School Education Department (U2) dated 07.08.2010 as unreasonable, arbitrary and unconstitutional as violating the Article 14 of the Constitution of India.



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2. Heard M/s.G.Chandrasekar, learned counsel appearing for the petitioner and M/s.N.Muthu Vijay, learned Special Government Pleader appearing for the respondents. Perused the material documents available on record.

3. It is seen from the records that this writ petition is filed challenging the Rules. In the Rule, the qualification is prescribed that the candidate should possess five years experience in any of the Government Teacher Training Institute. Since the Government has authority to prescribe qualification which is a policy decision of the Government, this petition cannot be entertained.

4. Today, when the matter is taken up for hearing, the learned Special Government Pleader appearing for the respondents submitted that, since the petitioner had acquired five years experience he was also promoted, vide Order, dated 26.02.2016. The submission recorded.

5. Recording the aforesaid submission, this Court is not inclined to entertain this writ petition.



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6. Accordingly, this Writ Petition is dismissed. No Costs.

Consequently, connected miscellaneous petition is closed.

Index : Yes / No
Internet : Yes
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To

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S.SRIMATHY, J

ksa

**Order made in
W.P.(MD)No.13349 of 2014**

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