



W.P.(MD).No.2270 of 2014

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 28.10.2022

ORDER PRONOUNCED ON : 02.11.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD).No.2270 of 2014

and MP(MD).No.1 of 2014

Nallendran

....Petitioner

Vs

1.The State of Tamil Nadu Represented by
The Principal Secretary to Government
School Education Department
Secretariat, Chennai 600 009

2.The Director (Higher Secondary)
Directorate of School Education
College Road, Chennai 600 006

3.The Chairman/The Secretary
Teachers Recruitment Board
College Road, Chennai 600 006

....Respondents

Prayer: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records of the first respondent passed in G.O (Ms).No.252 dated 05.10.2012 and quash the same and consequently direct the respondents to conduct the selection process akin to the selection process of Post Graduate Teachers in the recruitment of Teachers by the third respondent.



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For Petitioner : Mr.T.M.Madasamy
For R1 & R2 : Mr.S.Kameswaran
Government Advocate
For R3 : Mr.VR.Shanmuganathan
Standing Counsel

ORDER

The present writ petitioner has been filed challenging G.O(Ms).No.252 dated 05.10.2012 under which the criteria for selection of candidates who have cleared Teachers Eligibility Test for appointment to the post of Secondary Grade Teacher and B.T. Assistant was fixed by the first respondent herein.

2.According to the petitioner, he had passed Higher Secondary Examination in the year 1999 and B.Sc. Mathematics from Bharathidasan University in April 2008. The petitioner had cleared Bachelor of Education Course in June 2009. Thereafter, he had passed M.Sc. Mathematics in April 2012 from Bharathidasan University. The petitioner has also cleared Master of Education Course in May 2012 and he had registered his employment qualification with District Employment Exchange, Tiruchirappalli with his Undergraduate qualification on 15.09.2009. He has also registered the educational qualification with Professional and Executive Employment Exchange, Chennai on 26.09.2012.



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3. According to the petitioner, he had applied for Graduate Assistants Examination conducted by the third respondent. The petitioner had secured 102 marks out of 150 marks. The petitioner was called for certificate verification on 24.01.2014. While the certificates were verified, he was informed that weightage will be given for the marks that was secured in the Higher Secondary Examination, B.Ed Examination and Teachers Eligibility Test Examination. Only when he appeared for certificate verification, he came to know about the impugned G.O(Ms).No.252 dated 05.10.2012. According to the petitioner, as per the impugned G.O, only 60 marks are being allotted for Teachers Eligibility Test and the rest of the marks are been allotted for the marks secured in Higher Secondary Examination, Degree Examination and B.Ed Examination. He had further contended that once the Teachers Eligibility Test is being conducted and the results are published, the marks obtained in the competitive examination should be the sole criteria for allotment of marks during certificate verification.

4. Under the impugned G.O, the marks obtained during Higher Secondary Examination, Degree Examination and B.Ed.Examination have also been given weightage up to 40% marks. According to the petitioner, the said procedure is not followed in the selection of post graduate teachers. The present impugned G.O, fixed the criteria for selection of only Secondary



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Grade Teacher and B.T Assistant. So far the procedure is being followed for fixing of marks for the Post Graduate Teachers are concerned, the same should be followed for graduate assistant also. The impugned G.O, amounts to invalidating the Teachers Eligibility Test to an extent of 40%. Hence, it is nothing but dilution of test enunciated by the Central Government. The marks fixed under different criteria, other than the TET marks is unwarranted and the same is not in the welfare of the students. He had further contended that the impugned G.O, will not in any manner improve the quality of the teacher or it would not provide quality education to the Children in the State of Tamil Nadu. Hence, he prayed for allowing the writ petition and quash G.O(Ms).No.252 dated 05.10.2012 to the extent of allowing just 60 marks to the Teachers Eligibility Test.

5.Per contra, the learned Government Advocate appearing for the respondent authorities had pointed out that Teachers Eligibility Test is only an eligibility test and it is not a competitive examination for appointment to the post of Secondary Grade Teacher or B.T. Assistant. Apart from Teachers Eligibility Test, the academic qualification of the teacher in his Higher Secondary Examination, Degree Examination and B.Ed Examination should also be taken into consideration for evaluating a teacher before his appointment. He had further contended that the Government has constituted a Committee in G.O.Mo.(2D) No.36, School Education Department, dated



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14.09.2012. The said Committee was formed for considering the criteria for selection of candidates who have cleared the Teachers Eligibility Test. The said Committee had recommended the weightage of marks to be allotted to the Secondary Grade Teachers and Graduate Assistants. Only in compliance with the report of the said Committee, the impugned G.O has been issued by the first respondent. Without challenging the appointment of the said committee, the present writ petition is not maintainable.

6.The learned Government Advocate had further contended that in WP.Nos. 24507 and 24631 of 2012, this Court has passed an order on 21.09.2012. The said writ petitions were filed seeking a mandamus directing the respondents to permit the petitioner therein to appear for Tamil Nadu Teacher Eligibility Test (TNTET Exam). In the said order, in Paragraph No.10 (vii), this Court has considered the teachers who have passed the Teachers Eligibility Test. This Court further held that after receipt of the recommendation of the Committee constituted vide G.O No.(2D) No.36, School Education Department, dated 14.09.2012, selection and appointment shall be made as per the criteria to be fixed by the Committee. Therefore, according to the learned Government Advocate, this Court by an order dated 29.01.2012 had directed the Government to follow the criteria fixed by the Committee. Hence, there was no illegality or infirmity or violation of any statutory provision in fixing the criteria under the impugned G.O. Therefore,



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he prayed for dismissal of the writ petition.

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7.I have considered the submissions made on either side and perused the materials available on record.

8.The petitioner has challenged the weightage given to the marks obtained in the Teachers Eligibility Test for their selection as Secondary Grade Teachers or Graduate Assistants. According to the petitioner, the marks obtained in the Teachers Eligibility Test should be the sole criteria for selection and appointment of the teachers. He had attacked the allotment of 40 marks for Higher Secondary Examination, Degree Examination and B.Ed Examination. It is always within the exclusive domain of the employee to fix the criteria for selection of candidates. In the present case, apart from the marks obtained in the Eligibility Test, the marks have also been distributed to the academic qualification of the candidates in the Higher Secondary Examination, Degree Examination and B.Ed. Examination. The allotment of marks in the impugned order will clearly show that the criteria has been brought on so as to select and appoint the best candidates as Teachers. The Government cannot be faulted with for their continuous assessment of the marks as a candidate right from the Higher Secondary Course.

9.The Government by G.O No.(2D) No.36, School Education Department, dated 14.09.2012 has constituted a Committee to specify the criteria for selection of the teachers who have already cleared the Teachers



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Eligibility Test. Hence, it is clear that the Government has taken a policy decision on 14.09.2012 itself to give weightage not only to the Teachers Eligibility Test but also to the other examinations. This order has not been challenged. Hence, the present writ petitioner is not maintainable without challenging the constitution of the said Committee.

10.This Court in WP.Nos.24507 and 24631 of 2012 dated 21.09.2012 has directed the Government to select and appoint the teachers as per criteria to be fixed by the Committee constituted in G.O No.(2D) No.36, School Education Department, dated 14.09.2012. Therefore, it is clear that this Court has also approved the constitution of the said Committee and in fact issued a positive direction to the Government to follow the criteria to be fixed by the said Committee. The present impugned order has been passed only accepting the recommendation of the said Committee. Hence, the impugned Government order cannot be said to be illegal or in violation of any statutory provision.

11.In view of the above said facts, the writ petition is devoid of merits and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Internet : Yes/No
Index : Yes/No
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To

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1.The Principal Secretary to Government
School Education Department
State of Tamil Nadu
Secretariat, Chennai 600 009

2.The Director (Higher Secondary)
Directorate of School Education
College Road, Chennai 600 006



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R.VIJAYAKUMAR, J.

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Pre-delivery order made in

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