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W.P. No. 12521 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

**W.P. No. 12521 of 2012
and
M.P. Nos. 1 and 2 of 2013**

N.Swornalatha

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by the Secretary to Government,
Education Department (Schools),
Fort St. George,
Chennai – 600 008.
2. The Secretary,
Teachers Recruitment Board,
D.P.I. Compound,
College Road,
Chennai – 600 006.
3. The Additional Secretary,
Education Department (Schools),
Fort St. George,
Chennai – 600 009.
(R3 is given up as per order dated 05.06.2012)

4. D.N.Saraswathi

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the records of the Second Respondent herein publishing the provision al list of



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candidates selected for appointment for the post of graduate assistant (Minority subject) 2007-2010 dated 01.03.2012 and quash the same and consequently direct the Second Respondent to appoint the Petitioner herein as Telugu Pandit in the vacancy available in the government schools or in the private aided school.

For Petitioner : Mr. D.Rajendiran

For Respondents : Mr. P.Sathish,
Additional Government Pleader (for R1)

Mr. C.Kathiravan,
Standing Counsel (for R2)

R3 – Given up

Mr. N.Umapathi (for R4)

ORDER

Heard Mr. D.Rajendiran, Learned Counsel for the Petitioner, Mr. P.Sathish, Learned Additional Government Pleader appearing for the First Respondent, Mr. C.Kathiravan, Learned Standing Counsel appearing for the Second Respondent and Mr. N.Umapathi, Learned Counsel for the Fourth Respondent and perused the materials placed on record, apart from the pleadings of the parties.



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2. The Petitioner had applied for the post of Graduate Teacher (Telugu Pandit) in the selection conducted by the Teachers Recruitment Board in the year 2010. However, though her certificates have been verified on 25.05.2010, she was not given any order of appointment. In that backdrop, she had filed the Writ Petition in W.P. No. 14076 of 2010, and this Court by order dated 21.07.2010 recorded the submission that the District Employment Officer had omitted to nominate the name of the Petitioner on account of the misinterpretation regarding the qualification, but the Commissioner of Employment and Training had undertaken in his written instructions dated 16.07.2010 to sponsor the name of the Petitioner to the Teachers Recruitment Board for the said post. The Petitioner has challenged her non-selection to the said post in this Writ Petition.

3. In response to the specific query as to why it has been mentioned as 'Court' in the call letter issued to the Petitioner, the Second Respondent has explained from the Counter-Affidavit dated 01.09.2023 that as the Petitioner was called for Certificate Verification based on the order dated 21.07.2010 in W.P. No. 14096 of 2010 passed by the Court, the term 'Court' has been inadvertently printed against 'Turn' at the time of issuing call letter.



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4. It is not in dispute that from 23.08.2010, passing of the Teachers Eligibility Test (hereinafter referred to as 'the TET' for short) is a compulsory requirement and the Petitioner has not passed TET till date. Even in respect of persons for whom notification for selection had been issued prior to 23.08.2010, they have been granted time till 31.03.2019 to pass TET. Since it is accepted that the Petitioner has not passed TET till date, it is not possible to grant the relief sought by her in the Writ Petition. It is made clear that no view has been expressed by the Court on the merits of the claim made by the Petitioner and that if the Petitioner has any other grievance, she is not precluded from working out her rights before the proper forum in the manner recognized by law.

In fine, the Writ Petition is dismissed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed. No costs.

01.09.2023

Index : Yes/No
Neutral Citation Case : Yes/No

Note: Issue order copy by 06.10.2023.

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To

1. The Secretary to Government of Tamil Nadu,
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2. The Secretary,
Teachers Recruitment Board,
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P.D. AUDIKESAVALU, J.

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