



W.P.No.30196 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2023

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.30196 of 2011
and M.P.Nos.1 and 2 of 2011

All B.T and P.G. B.Ed., Graduates Association
Reg. No.24/07,
Rep. by its State President,
K.Rathinakumar .. Petitioner

Versus

1. State of Tamil Nadu,
Rep. by its Secretary to
Government, (School Education)
Fort St. George,
Chennai - 600 009.
2. Director of School Education,
D.P.I. Campus,
College Road,
Chennai - 600 006.
3. The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.R. Sambath Building,
College Road,
Chennai - 600 006.
4. National Council of Teacher Education,
Secretary,
Wing-II, Hans Bhawan,



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1, Bahadur Shah Zafar Marg,
New Delhi.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Certiorarified Mandamus after calling for the concerned records relating to G.O. Ms.No.181, dated 15.11.2011 passed by the 1st respondent and quash the same in so far as it prescribes Teacher Eligibility Test for persons who have already completed certification verification conducted by the Teachers Recruitment Board for appointment as BT Assistants and consequently direct the respondents 1 and 2 to appoint the members of the petitioners Association as B.T. Assistant on the basis of the statewide employment seniority as has been done in the case of Secondary Grade Teachers.

For Petitioner : Mr.K.Balu

For Respondents : Mr.S.Yaswanth,
Additional Government Pleader,
for RR-1 and 2

: Mr.C.Kathiravan, for R3

: Mr.J.Harikrishna

ORDER

This Writ Petition is filed challenging the G.O.Ms.No.181, dated 15.11.2011, whereby, the Teacher Eligibility Test is prescribed for the persons to be eligible to be appointed in teaching post.



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2. As a matter of fact, pending the Writ Petition, the said Government Order has already been upheld and therefore, the learned Counsel for the respondents submit that nothing survives for adjudication in the matter.

3. The learned Counsel for the petitioner submits that still the question as to retrospective application is at large and to that extent, the same may be decided.

4. It can be seen that whether the candidates appointed after the *Right of Children to Free and Compulsory Education Act, 2009 (RTE)* and before the issue of G.O, whether TET can be insisted upon or not is pending in a batch of Writ Petitions. The aggrieved Teachers have filed Writ Petitions and the matters are being considered. Therefore, the said question need not be considered at the instance of the Association. When the major part of the relief has become infructuous and the other relief in respect of retrospective application is being dealt with in the Writ Petitions filed by the individual Teachers who are aggrieved in the matter, nothing further remains to be adjudicated in the matter.



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5. Accordingly, this Writ Petition is disposed of. No costs.

Consequently, connected miscellaneous petitions are closed.

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Index : yes
Speaking order
Neutral Citation : no
grs

To

1. The Secretary to Government, (School Education)
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
D.P.I. Campus,
College Road,
Chennai - 600 006.
3. The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.R. Sambath Building,
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4. The Secretary,
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1, Bahadur Shah Zafar Marg,



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New Delhi.
5. The Public Prosecutor,
High Court of Madras.

D.BHARATHA CHAKRAVARTHY, J.

grs

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