



Writ Appeal Nos.220 & 221 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.07.2023

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Appeal Nos.220 & 221 of 2014
M.P.Nos.1,2 & 3 of 2014**

1.R.Chidambaram
2.K.Annamalai
3.K.Amsaveni
4.R.Ravichandran
5.S.Anbukkarasu
6.T.Jestin Christopher
7.S.Saravanan
8.O.Anbuselvan
9.P.Sasikumar
10.V.Kongu
11.I.Sekar
12.P.Natarajan
13.N.Pounraj
14.G.Manimaran
15.S.Augustinal Stella
16.R.Muniyandi

... Appellants in W.A.No.220 of 2014

K.Bhavani

... Appellants in W.A.No.221 of 2014

Vs

1.The State of Tamil Nadu,
Rep., by its Secretary to Govt.,
School Education Department,



Writ Appeal Nos.220 & 221 of 2014

Fort St., George, Chennai -9.

2.The Director of School Education,
College Road, Nungambakkam,
Chennai – 6.

3.The Director,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai – 6. ... Respondents in both W.As.

COMMON PRAYER : Writ Appeal filed under Clause 15 of Letter Patent against the order dated 30.09.2013 made in W.P.Nos.25945 & 25855 of 2013.

For Appellants : Ms.C.Uma

For Respondents : Mr.K.V.Sanjeev Kumar Spl.G.P for RR1 &2

No Appearance

COMMON JUDGMENT

(Order of the Court was made by Mr.R.SURESHKUMAR.,J.)

Since the issue raised in these appeals is one and the same, with the consent of the learned counsels appearing for both sides, these Writ Appeals were heard together and are disposed of by this common order.



WEB COPY

2.That the appellants having completed the Teacher Education qualification to be considered for the appointment of Teachers whose names have been sponsored by the employment exchange and the respondent department verified the certificate of various candidates including the appellants.

3.The certificate verification was taken place between 12.05.2010 and 15.05.2010.

4.Subsequently, the National Council for Teacher Education i.e., NCTE issued notification dated 23.08.2010, since the said NCTE has been declared as an Academic Authority under the provisions of the Right to Education Act, the qualification that one must have to become a Teacher has been prescribed in the said notification, according to which, the teacher who wants to be appointed, must have the qualification as prescribed by the NCTE and also a qualification called Teacher Eligibility Test (in short



“TET”).

WEB COPY

5. Admittedly these appellants did not have the qualification of TET because TET itself has been introduced subsequently.

6. Though such a certificate verification has been made as stated supra in May 2010, subsequently no appointment had been given to these appellants as well as some other candidates on the ground that they did not possess the TET qualification.

7. Only at this juncture, they approached this Court by filing the respective Writ Petitions i.e., W.P.Nos.25945 & 25855 of 2013, those two Writ Petitions along with connected Writ Petitions were heard together by the learned Judge, who passed the order on 30.09.2013, where the learned Judge by taking note of the earlier orders passed by the Division Bench of this Court in Review Application No.139 of 2012, dated 09.07.2013, was pleased to dismiss all those Writ Petitions including these two Writ Petitions. Aggrieved over the same, the present Writ Appeals have been filed.



Writ Appeal Nos.220 & 221 of 2014

8.Heard Ms.C.Uma, learned counsel appearing for the appellants and Mr.K.V.Sanjeev Kumar, learned Special Government Pleader appearing for the respondents.

9.As has been held by the learned Judge through the impugned order, the issue has already been given a quietus. Mere certificate verification that has been taken place in the month of May 2010, i.e., prior to NCTE notification dated 23.08.2010, *ipso facto* will not confer right on those candidates, whose certificates have been verified.

10.Certificate verification is a routine and formal action, but insofar as the appointment is concerned, a Teacher must fulfil the qualification including the TET. Admittedly since these appellants did not have the qualification, they are not entitled to get the appointment and therefore, the plea raised on behalf of the appellants before the Writ Court, i.e., after the notification dated 23.08.2010 only such a qualification should be insisted upon prior to which if any certificate verification is taken place based on which appointment should be made is concerned, that grounds



Writ Appeal Nos.220 & 221 of 2014

raised by the petitioner side having been considered, was rejected by the learned Judge, of course by following the earlier orders of the Division Bench referred to above.

11. Since the issue has already been decided which has been followed by the learned Judge in the order impugned, we do not find any error in the said order passed by the learned Judge, consequently, these Writ Appeals fail and they are dismissed. However there shall be no order as to costs. Consequently connected Miscellaneous Petitions are closed.

(R.S.K.,J.)

(K.B., J.)

07.07.2023

Index: Yes/No
Speaking Order/Non Speaking Order
Neutral Citation: Yes/No
pbn



Writ Appeal Nos.220 & 221 of 2014

To

1. The State of Tamil Nadu,
Rep., by its Secretary to Govt.,
School Education Department,
Fort St., George, Chennai -9.
2. The Director of School Education,
College Road, Nungambakkam,
Chennai – 6.
3. The Director,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai – 6.



WEB COPY



Writ Appeal Nos.220 & 221 of 2014

R.SURESH KUMAR., J.
and
K.KUMARESH BABU.,J.

pbn

Writ Appeal Nos.220 & 221 of 2014

07.07.2023