



WEB COPY



W.P.No.32386 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32386 of 2023
and W.M.P.No.32022 of 2023

- 1.T.S. Sathiyaseelan
- 2.C. Ragu
- 3.M. Chithra
- 4.A. Anbu
- 5.M. Periyasamy
- 6.R. Jeya
- 7.V. Kirubakaran
- 8.C. Selvam
- 9.M. Dhasarathan
- 10.K. Baskaran
- 11.J. Valli
- 12.M. Murugesan
- 13.K. Senthil Murugan
- 14.A. Vasagan
- 15.J. Revathi
- 16.P. Arulmozhi

... Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Fort St. George,
Chennai – 600 009.



W.P.No.32386 of 2023

WEB.COM

2. The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.

3. Teachers Recruitment Board (TRB),
4th Floor, DPI Campus,
College Road, Chennai – 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, to declare that the petitioners herein are eligible to apply and to be appointed as Graduate Teachers/Block Resource Teacher Educator (BRTE) pursuant to the notification dated 25.10.2023 issued by the 3rd respondent.

For Petitioners : Mrs.N. Kavitha Rameshwar

For Respondents : Mr.J. Ravindran,
Additional Advocate General - IX
assisted by Mr.M. Bindran,
Additional Government Pleader [R1 & R2]

Mr.R. Neelakandan,
Additional Advocate General - VIII
assisted by Mr.C. Kathirvanan
Standing Counsel [R3]



W.P.No.32386 of 2023

WEB COPY

ORDER

With the consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. All the petitioners herein have qualified in TET on various dates. Through the present notification dated 25.10.2023, the third respondent herein has called for applications for direct recruitment of graduate Teachers/Block Resource Teacher Educators (BRTE) – 2023. Among the various educational qualifications prescribed for applying to the said post, one of the qualification which is sought for is that the applicant should have Graduation with at least 45% marks and Bachelor in Education, in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard. All the petitioners herein, have secured less than 45% in Graduation and they now seek for permission to apply for the said post.



W.P.No.32386 of 2023

WEB COPY

3. Learned counsel for the petitioners submitted that the respondents having allowed the petitioners to take the TET examination, it is not now open to them to stipulate minimum marks of 45% in the Graduation.

4. I am not in agreement with such a submission.

5. The Teachers Recruitment Board would be at liberty to stipulate their own conditions as essential qualification for filling up of vacancies. Unless and until such a condition is either in contravention of their regulations or is arbitrary, this Court, exercising its powers under Article 226 of the Constitution of India, will not venture to interfere with the stipulation of these essential qualifications prescribed in a notification. It would be the policy decision of the Board to impose pre-qualifications in conformity with their regulations. It is neither the case of the petitioners that the essential qualification of 45% in the Graduation is against the regulation, nor that it is arbitrary. Thus, they would not be entitled to apply for the said posts.



W.P.No.32386 of 2023

WEB COPY

6. In this background, I do not find any reason to entertain the prayer sought for in this present petition, seeking for declaration that the petitioners herein are eligible to apply and to be appointed as Graduate Teachers/Block Resource Teacher Educator (BRTE) pursuant to the notification dated 25.10.2023 issued by the 3rd respondent.

7. In view of the fact that all the petitioners do not possess 45% in Graduation, the Writ Petition stands dismissed. No costs. Connected miscellaneous petition is closed.

15.11.2023

Index: Yes/No
Speaking order/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

Sni

Note: Issue Order Copy on 16.11.2023



WEB COPY



W.P.No.32386 of 2023

M.S.RAMESH,J.

Sni

To

- 1.The Principal Secretary to Government of Tamil Nadu,
School Education Department,
Fort St. George, Chennai – 600 009.
- 2.The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.Teachers Recruitment Board (TRB),
4th Floor, DPI Campus,
College Road, Chennai – 600 006.

W.P.No.32386 of 2023

15.11.2023