



W.P(MD)No.14317 of 2012

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.10.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.14317 of 2012

1. Marivalan
2. T.Ramesh
3. P.Bharadhi Dhasan

... Petitioners

Vs

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Education,
Fort.St.George, Chennai 9.
- 2.The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Salai,
DPI Compound,
College Road, Chennai 600 006.
- 3.The Ministry of Human Resource and Development,
Room No. 302-C,
Shastri Bhavan, Dr. Rajendra Prasad Road,
Connaught Place,
New Delhi 110 001.
- 4.National Counsel For Teacher Education,
Hans Bhawan, Wing II,
Bahadur Shah Zafar Marg,
New Delhi 110 002.

Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration to declare the entire clause 4 of the NCTE notification F.No. 61-03/20/2010/NCTE/ (N&S) dated 23.08.2010 as against the main statute namely "The Right of Children to Free and Compulsory Education Act 2009 (Act No.35/09)" and thereby it is illegal, excess of power and without jurisdiction and consequently direct the 1st and the 2nd respondent to implement provisions of the Section - 23 (2) of the Right of Children to Free and Compulsory Education Act to the in service teachers in the State of Tamil Nadu.

For Petitioners	: No appearance
For R1 & R2	: Mr.G.V.Vairam Santhosh Additional Government Pleader
For R3	: Mr.S.Jeyasingh
For R4	: No appearance

ORDER

This writ petition was filed for a writ of Declaration to declare the entire clause 4 of the NCTE notification F.No. 61-03/20/2010/NCTE/ (N&S) dated 23.08.2010 as against the statute "The Right of Children to Free and Compulsory Education Act 2009".



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2. When this writ petition was listed for hearing on 13.10.2023, there was no representation for the petitioner. Therefore, this writ petition was ordered to be listed on 17.10.2023 under the caption "for dismissal". Even today, there is no representation for the petitioner.

3. The case of the petitioner is that clause 4 of the NCTE notification F.No.61-03/20/2010/NCTE/ (N&S) dated 23.08.2010 is contrary to the provisions under Section 23(2) of the Right to Education Act and also Rule 16(1) of the Tamil Nadu Right of Children to Free and Compulsory Education Rules, 2011 and Rule 19(1) of the Central Rule, 2010. The fourth respondent was not provided with any power to give relaxation from the minimum eligibility criteria to the Teachers. Therefore, the exemption granted on clause 4 of the Notification dated 23.08.2010 by the fourth respondent is without jurisdiction.



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3.The learned counsel for the respondents is also not in a position to answer the averments made in this writ petition. No counter affidavit has been filed by them so far. A representation has been made by the junior counsel on behalf of the respondents.

4.Since there is no representation for the petitioner for the last two hearings, this writ petition is dismissed for non-prosecution. No costs. Consequently, connected Miscellaneous Petition is closed.

17.10.2023

NCC: Yes/No
Index:Yes/No
Internet:Yes
vrn



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B.PUGALENDHI, J.

vrn

Order made in
W.P(MD)No.14317 of 2012

17.10.2023