



W.P(MD)No.11278 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.11278 of 2023

and

W.m.P(MD) Nos.9843 and 9844 of 2023

A.Joseph Amalraj

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
School Education Department, St. George Fort,
Chennai.
2. The Commissioner of School Education,
O/o. Commissioner of School Education,
DPI Campus, Nungambakkam,
Chennai.
3. The Director of Elementary Education,
O/o.Directorate of Elementary Education,
DPI Campus, Nungambakkam,
Chennai.
4. The District Educational Officer (Elementary),
O/o.District Educational Office,
R.S. Boys Government Higher Secondary School Campus,
Paramakudi, Ramanathapuram District.



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5. The Block Educational Officer,
O/o.Block Educational Office,
R.S. Boys Government Higher Secondary School Campus,
Paramakudi, Ramanathapuram District.

6. Chandra,
Primary School Head Master,
Municipal Primary School, Maninagar, Paramakudi,
Ramanathapuram District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, the respondents to consider the petitioner for promotion to the post of Middle School Headmaster taking into consideration to the petitioners qualification of the TET and also taking into consideration of Section 41 of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 within a period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.Ajmal Khan
for M/s.Ajmal Associates

For Respondents : Mr.D.Gandhiraj
Spl. Government Pleader for R1 to R5

ORDER

Mr.D.Gandhiraj, learned Special Government Pleader takes notice
for the respondents 1 to 5.



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2. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself. Since no adverse order is passed against the sixth respondent, notice to the sixth respondent is dispensed with.

3. Learned counsel for the petitioner would submit that the petitioner possess all qualifications including the TET qualification and fit for promotion for the post of Middle School Headmaster. However, the official respondents prepared to conduct a State Level Counseling for the persons who were not qualified including the TET qualification. Thereby, the present writ petition has been filed.

4. Learned Special Government Pleader appearing for the respondents 1 to 5 would fairly submit that since as per Section 23 of Right of Children to Free and Compulsory Education, 2009, the TET qualification is mandatory to continue the employment and the said promotion counseling will be conducted only with regard to the eligible person who possess the TET qualification.

5. In view of the above, there shall be a direction to the respondents



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2 and 3 to conduct promotion counseling to the eligible persons and take a policy decision as to whether the persons who are not qualified in TET would be entitled to participate in the promotion counseling, by considering the representation of the petitioner dated 24.04.2023, in terms of the orders passed by this Court in W.P.Nos.17895 and 19587 of 2022 dated 20.10.2022 and W.P. (MD) No.11317 of 2022 dated 29.03.2023, and pass appropriate orders after providing opportunity to the sixth respondent within a period of two weeks from the date of receipt of a copy of this order. Until such time, the respondents are directed not to conduct any promotion counseling.

6. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

04.05.2023

Index :Yes/No
Internet :Yes/No
pkn/lm

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M.DHANDAPANI, J.

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