



W.P.(MD)Nos.8123 and 8261 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:13.02.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)Nos.8123 of 2019
and
W.M.P(MD)Nos.6388 and 6389 of 2019
and
W.P(MD)No.8261 of 2019
and
W.M.P(MD)Nos.6483 & 6484 of 2019

W.P(MD)No.8123 of 2019:

C.Dhuraimurugan

... Petitioner

Vs.

Teachers Recruitment Board,
Rep. by its Chairman,
EVK Sampathy Maaligai,
DPI Compound, College Road,
Chennai – 600 006.

... Respondent

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned TNTET Notification No.8/2019 dated 28.02.2019 and quash the clause 2.2 of the notification prescribing minimum qualification to write TNTET pager -II, to the extent it prohibits the candidates of reserved category who have obtained less than 45% in the graduate examination from appearing in the TNTET exams



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2019 and consequently direct the respondent to follow the eligibility norms fixed in the previous TNTET exams.

For Petitioner : Mr.R.Pon Karthikeyan

For Respondent : Mr.V.R.Shanmuganathan

W.P(MD)No.8261 of 2019:

1.The National Council for Teachers Education,
Represented by it's,
The Member Secretary,
Wing II, Hans Bhawan,
1, Bahadur Shah Zafar,
New Delhi – 110002.

2.The State of Tamil Nadu,
Represented by it's,
The Principal Secretary to Government,
School Education Department,
State of Tamil Nadu, Fort St. George,
Chennai.

3.The Teachers Recruitment Board,
Represented by it's,
The Chairman,
Teachers Recruitment Board,
College Road,
Chennai – 600 006.

... Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned Notification No.8/2019 dated 28.02.2019 for



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Teachers Eligibility Test (TET) relating to fixing minimum required eligibility marks of 45% to appear for the exam in Tamil Nadu Teachers Eligibility Test- 2019 (TNTET) and quash the same as illegal and consequently direct the respondents to allow the petitioner to participate in the Tamil Nadu Teachers Eligibility Test-2019 (TNTET) in accordance with law within the time stipulated by this Court.

For Petitioner	: Mr.T.Thirumurugan
For R-1 & R-2	: Mr.T.Amjadkhan, Government Advocate
For R-3	: Mr.V.R.Shanmuganathan

COMMON ORDER

Since the issue arises in these writ petitions is one and the same, these writ petitions are disposed of by way of this common order.

2. These writ petitions have been filed to quash the impugned notification issued by the respondent Board in Notification No.8/2019 dated 28.02.2019 in respect of clause 2.2 of the notification prescribing minimum qualification to write TNTET pager -II, to the extent it prohibits the candidates of reserved category, who have obtained less than 45% marks in the graduate examination from appearing in the TNTET exams 2019 and consequently, direct the respondents to follow the eligibility norms fixed in the previous TNTET exams.



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3. The case of the petitioners is that they have possessed SSLC, +2, Degree and subsequently, completed B.Ed. They have scored less than 45% of marks in the degree Course. However, the respondent Board issued Notification No.8/2019, prescribing the minimum qualification to participate in the TET examination as 45% marks in the graduate examination thereby preventing the downtrodden candidates from participating in the examination. Challenging the same, the petitioners have filed these writ petitions.

4. The learned counsel appearing for the petitioners would submit that in other States namely, Karnataka, Andrapradesh and Pondicherry they have fixed minimum 35% marks in graduate examination to participate in the TET examination, whereas in Tamil Nadu Government, they have fixed 45% marks as minimum qualification, which is irrational and there is no justifiable reason for fixing such eligibility criteria to participate in the TET. Accordingly, prayed for allowing of these writ petitions.



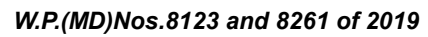
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5. The learned Standing Counsel appearing for the respondent Board, would submit that in order to maintain quality in education, the Teachers Recruitment Board fixed minimum eligibility criteria to participate in the examination as 45% marks in graduation, which is not irrational. Moreover, the fixation of eligibility criteria is a policy decision of the Government. Accordingly, prayed for dismissal of this writ petition.

6. Heard the learned counsel appearing for the petitioners, learned Government Advocate appearing for the official respondents, the learned standing counsel appearing for the respondent Board and perused the materials available on record.

7. Admittedly, the petitioner possessed less than 45% marks in the graduation thereby they are prevented from participating in the Teachers Eligibility Test. The main issue urged before this Court is that in the State of Karnataka, Andrapradesh and Pondicherry, they have fixed the minimum marks as 35%. However, in the State of Tamil Nadu, the minimum marks is fixed as 45%, which is irrational. However, it is a



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- 2.The Principal Secretary to Government,
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M.DHANDAPANI,J.



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