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WP.No.1687 of 2024



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

WP.No.1687 of 2024 and
WMP.No.1729 of 2024

B.Madhesh

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep. By its Principal Secretary to Government,
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

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India to
issue a writ of declaration to declare that the petitioner herein is 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 third respondent.

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For Petitioner : M/s.N.Kavitha Rameshwar

For Respondents

For R1 & 2 : Mr.K.H.Ravikumar,
Government Advocate

For R3 : Mr.R.Neelakandan,
Additional Advocate General
Assisted by
Mr.C.Kathiravan,
Standing Counsel

ORDER

This writ petition has been filed for declaration declaring that the petitioner is willing to apply for the Graduate Teachers / Block Resource Teachers Educator in pursuant to the notification dated 25.10.2023 issued by the third respondent.

2. Notification dated 23.08.2010 was issued for the post of Graduate Teachers / Block Resource Teacher Educator thereby prescribed minimum qualification for being appointed as Teacher for teaching classes I to V (Secondary Grade Teachers in Tamilnadu) and classes VI to VIII (BT Assistants in Tamilnadu). It also prescribed Teacher Eligibility Test(TET) as minimum qualification for the said



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teachers. It stated that the teachers appointed prior to the notification need not pass TET. By another notification dated 29.07.2011, some amendments were made by the NCTE to the principal notification. However, the said notification was issued on the basis of the notification dated 23.08.2010. The first respondent issued GO.Ms.No.181 dated 15.11.2011 thereby appointing the third respondent as nodal agency to conduct TET examinations. Accordingly, the Teacher Eligibility Test is mandatory for Secondary Grade Teachers and BT Assistants in Tamilnadu. Subsequently, the first respondent issued order in GO.Ms.No.252 School Education(Q) Department dated 05.10.2012 thereby adopted a particular method of selection and directed the third respondent to adopt the said method by giving weightage of marks for selection and appointment of Secondary Grade Teacher and Graduate Assistant. As per the notification, applications were invited for writing Teacher Eligibility Test prescribing eligibility criteria as follows:

Candidates should possess the following prescribed qualifications to write the Teacher Eligibility Test:

a. Candidates who have passed Higher Secondary Course (10+2 Pattern) and Diploma in Teacher Education / Diploma in Elementary Education (regarding other State D.T.Ed Certificate, evaluation certificate is necessary) in a



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Recognized Teacher Training 3 Institute / DIET and seeking an appointment as Secondary Grade Teacher for classes I to V (except Visually Impaired Candidates) can write Paper I.

b. Candidates who have passed a Bachelor's Degree (B.A./B.Sc./ B.Litt.) with Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology, History and Geography or a Degree with any one of the equivalent subjects (Regarding equivalent subject, Government orders issued prior to the date of this notification alone will be considered) from a Recognized University under 10+2+3 Pattern and a Bachelor's Degree in Education (B.Ed.) from a Recognized University and seeking an appointment as Teacher for classes VI to VIII can write Paper II.

c. Candidates appearing for the Final Year Examination of D.E.Ed / B.Ed during the current Academic Year (2012 - 2013) are also permitted to appear for the Teacher Eligibility Test. Such Candidate's should have successfully completed the course in the current Academic Year (2012-2013) itself and should produce D.E.Ed / B.Ed Certificate during Certificate Verification otherwise they shall not be considered for current year Government recruitment process. However they may be issued with TET certificate after producing D.E.Ed Diploma certificate / B.Ed Degree Certificate.



3. As per the subsequent notification of the year 2017 dated 24.02.2017, applications were invited for eligible candidates for Teacher

Eligibility Test and the eligibility criteria are as follows:

3. Eligibility to write TET Paper II:

Candidates should possess the following prescribed qualifications to write the Teacher Eligibility Test Paper II:

a. Candidates who have passed a Bachelor's Degree (BA/B.Sc. B.Litt.) with Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology, History and Geography as major subjects in their Degree course or a Degree with any one of the equivalent subjects (Regarding equivalent subjects, Government orders issued prior to the date of this notification alone will be considered) from a Recognized University under 10+2+3 Pattern and a Bachelor's Degree in Education (B.Ed.) from a Recognized University and seeking an appointment as Graduate Teacher can write Paper II. The candidates with B.Lit., (Tamil) degree should possess either B.Ed. or D.T.Ed. or TPT.

b. Candidates appearing for the Final Year Examination of B.Ed. during the current Academic Year (2016-2017) are also permitted to appear for Paper II in Teacher Eligibility Test. Such Candidates should



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successfully complete the course in the current Academic Year (2016-2017) itself and should produce B.Ed., Certificate during Certificate Verification; otherwise they shall not be considered for the current year Government recruitment process. However they will be issued with TET certificate after producing B.Ed., Degree Certificate.

4. Accordingly, the petitioner had applied for the same and passed the Teacher Eligibility Test in the year 2014. The certificates of the petitioners were also verified in the month of July 2014. Now the third respondent issued notification dated 25.10.2023 for the direct recruitment of Graduate Teachers / Block Resource Teacher Educators. Accordingly, the education qualification has been fixed by the third respondent as follows:

B. Educational Qualifications (As on the date of Notification):

No person shall be eligible for appointment to the post of GRADUATE TEACHERS/ BLOCK RESOURCE TEACHER EDUCATORS (BRTE), unless he/she possesses the minimum educational qualifications as follows:

(i) Graduation and 2-year Diploma in Elementary Education (by whatever name known); or

(ii) Graduation with at least 50% marks and Bachelor in Education (B.Ed.); or



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(iii) *Graduation with at least 45% marks and Bachelor in Education (B.Ed.), in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard; or*

(iv) *Higher Secondary (or its equivalent) with at least 50% marks and 4-year Bachelor in Elementary Education (B.El.Ed.); or*

(v) *Higher Secondary (or its equivalent) with at least 50% marks and 4-year B.A./B.Sc.Ed. or B.A.Ed./B.Sc.Ed.; or*

(vi) *Graduation with at least 50% marks and B.Ed., (Special Education); and*

Must have obtained a degree or its equivalent with such Subjects or Languages in respect of which recruitment is made; and

Pass in Tamil Nadu Teacher Eligibility Test (TNTET) Paper II with relevant optional subject for direct recruitment:

Provided that the candidates possessing the educational qualifications prescribed in (i), (iv) and (vi) above shall be eligible for appointment as Graduate Teacher (Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology, History and Geography) to Classes VI to VIII

5. Accordingly, eligibility to write Tamilnadu Teacher Eligibility Test is a candidate appearing for final year examination of D.E.Ed / B.Ed is also permitted to write the said exam. In view of the same, the petitioner had written Teacher Eligibility Test and passed the



same. The petitioner had completed Diploma in Teacher Education (D.T.Ed.) in the year 2010 and thereafter, he had completed his graduation in B.A.English in the year 2013. Subsequently, he had completed Bachelor of Education (B.Ed.) in the year 2014. When he was doing his final year of B.Ed., he was permitted to participate in the Teacher Eligibility Test in the month of May 2014 and he also passed the said examination. That apart, the petitioner is a physically challenged person with an ortho disability. However, when the petitioner attempted to apply for the post of BT Assistant pursuant to the notification dated 25.10.2023, the system portal does not permit him to apply for the same since he completed B.Ed. only in the month of December 2014. Whereas he is qualified with Teacher Eligibility Test even before completion of his Bachelor of Education degree.

6. Now the learned Additional Advocate General submitted that as per the notification dated 25.10.2023, the last date for application was fixed on 07.12.2023. Subsequently, it was extended till 13.12.2023. However, on 13.12.2023, there was heavy rain and floods in the southern parts of Tamilnadu. Therefore, the said examination has been postponed to 04.02.2024 and now the last date of receiving applications was also



however closed as on 13.12.2023. All the applicants were issued hall tickets to appear for competitive examination to be held on 04.02.2014.

7. The learned counsel for the petitioner relied upon the order of this Court in a similar matter in WMP.No.33510 of 2023 in WP.No.33664 of 2023 dated 08.12.2023, wherein it is held as follows:

“4. On a prima facie view, the qualifications prescribed under Clause 6B of the notification is that, a candidature should possess a graduation and B.Ed., and a pass in TET Paper-II with relevant optional subject for direct recruitment. When B.Lit. is by itself a degree of graduation, comparison of the B.Lit. degree to B.A. (Tamil) is unwarranted, when Clause 6B does not specify the requirement of B.A. (Tamil) alone as graduation.

5. Moreover, when the educational qualification prescribed in the notification is any graduation + B.Ed., + TET alone, Clause 6B does not specify the pattern in which the qualification in TET should be obtained. In other words, the requirement of possessing TET after 10+2+3+3 has not been specified in the notification. While that being so, seeking for qualification in TET after B.Ed., and before the additional under graduation degree, may be an arbitrary claim, particularly when it is inconsistent with the qualifications prescribed under



Clause 6B”

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Therefore, the Teacher Recruitment Board can be directed to receive the petitioner's application.

8. Considering the above facts and circumstances of the case, the petitioner is directed to submit his application for the above said post in person before the third respondent today i.e. 24.01.2024 and on receipt of the same, the third respondent is directed to issue hall ticket to the petitioner forthwith to attend the competitive examination to be held on 04.02.2024, if the same is otherwise in order. It is made clear that the above direction is restricted only to the petitioner herein and it cannot be used as precedent for other applicants.

9. With the above directions, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

24.01.2024
(2/2)

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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To

- 1.Principal Secretary to Government,
The State of Tamilnadu,
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),
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