



W.P.No.3928 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2024

CORAM:

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

W.P.No.3928 of 2020
W.M.P.No.4655 of 2020

V.Deepa

...Petitioner

-Vs-

1. The State of Tamil Nadu, rep. by
The Principal Secretary to Government,
School Education Department,
Fort St. George, Secretariat,
Chennai – 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
3. The Chief Educational Officer,
Salem District,
Salem.
4. The District Educational Officer,
Salem Education District,
Salem.
5. The Correspondent,
Bharathi Vidhyala Higher Secondary School,
Maravaneri, Salem – 636 007.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, forbearing the respondents from insisting passing of Teacher Eligibility Test (TET) for the petitioner appointed as B.T. Assistant (English) in the 5th respondent School on 28.02.2011, prior to G.O.Ms.No.181, School Education Department, dated 15.11.2011 and consequently direct the respondents to allow the petitioner to continue in the post of B.T. Assistant (English) in 5th respondent school with all consequential and other attendant benefits.

For Petitioner : Mr.J.Jayamalan
For Respondents : Mrs.P.Rajarajeswari
Government Advocate

ORDER

This writ petition has been filed for forbearing the respondents from insisting passing of Teacher Eligibility Test (TET) for the petitioner appointed as B.T. Assistant (English) in the 5th respondent School on 28.02.2011, prior to G.O.Ms.No.181, School Education Department, dated 15.11.2011.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. This issue has already been settled by the Hon'ble Division



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Bench of this Court in a batch of ***Writ Appeals in W.A.No.313 of 2022***

etc., dated ***02.06.2023*** in the case of the ***Director of School Education &***

ors Vz. M.Velayutham & anr., which held that cut-off date to be fixed in

G.O.Ms.No.181 dated 15.11.2011 to pass the qualifying examination viz.,

Teachers Eligibility Test. Accordingly, those who were appointed as

Teacher after the G.O., have to pass the said examination in accordance

with G.O. Further held that those who were appointed prior to 29.07.2011

are exempt from passing TET only for the purpose of continuance in the

post of secondary grade teacher or B.T. Assistant without promotional

prospects. The relevant portion of the order is extracted hereunder :-

“74. For the sake of clarity and ease of reference, the upshot of the above discussion is as under:

(a) Any teacher appointed as Secondary Grade Teacher or Graduate Teacher/BT Assistant prior to 29.07.2011 shall continue in service and also receive increments and incentives, even if they do not possess/acquire a pass in TET. At the same time, for future promotional prospects like promotion from secondary grade teacher to B.T. Assistant as well as for promotion to Headmasters, etc., irrespective of their dates of original appointment, they must necessarily possess TET, failing which they will not be eligible for promotion.

(b) Any appointment made to the post of Secondary



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Grade Teacher after 29.07.2011 must necessarily possess TET.

(c) Any appointment made to Graduate Teacher/BT Assistant, after 29.07.2011, whether by direct recruitment or promotion from the post of Secondary Grade Teacher, or transfer, must necessarily possess TET. The principles laid down in this judgment will not have application to minority schools, both aided and unaided as explained in paragraph no.71.1.

(d) The Special Rules for the Tamil Nadu School Educational Subordinate Service issued in GO (Ms.) No.13 School Education (S.E3(1)) Department dated 30.01.2020 insofar as it prescribes “a pass in Teacher Eligibility Test (TET)” only for direct recruitment for the post of BT Assistant and not for promotion thereto in Annexure-I (referred to in Rule 6) is struck down, thereby meaning that TET is mandatory/essential eligibility criterion for appointment to the post of BT Assistant even by promotion from Secondary Grade Teachers.

(e) The language employed in G.O. (Ms) No. 181 dated 15.11.2011 is to be read and understood to the effect that for continuance in service without promotional prospects, TET is not mandatory.”

4. In the case on hand, the petitioner has been appointed as

B.T. Assistant in the fifth respondent school as early as on 28.02.2011



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and therefore, the appointment of the petitioner is prior to the cut off date

viz., 29.07.2011. Therefore, she shall continue as B.T. Assistant.

However, she could not be promoted to any other promotional post, unless she completes the Teacher Eligibility Test.

5. With the above directions, the Writ Petition stands disposed of. Consequently, connected miscellaneous petition is also closed. There shall be no orders as to costs.

24.09.2024

Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

rts



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G.K.ILANTHIRAIYAN. J,

rts

To

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