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W.P.No.33928 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.33928 of 2012

and

M.P.No.2 of 2012

Smt.J.Parimala

...Petitioner

-Vs-

The Secretary,
Teachers Recruitment Board,
College Road, Chennai – 6.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus calling for the records relevant to the order dated 05.12.2012 passed by the respondent and quash the same as illegal, improper, arbitrary and against the rule of law and principles of natural justice and total non application of mind and thereby direct the respondent to appoint the petitioner as a Graduate Assistant Teacher in any of the Government School of the respondent department and pass such further orders.

For Petitioner : No appearance

For Respondent : Mr.C.Kathiravan
Senior Counsel

ORDER



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This writ petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the order passed by the respondent dated 05.12.2012, and thereby direct the respondent to appoint the petitioner as a Graduate Assistant Teacher in any of the Government School of the respondent department.

2. Today, 05.02.2024, when the case was taken up for hearing, there was no representation on behalf of the petitioner.

3. The case of the petitioner is that she had completed her degree in Bachelor Computer Applications at Tiruvalluvar University in April 2010 and thereafter completed her B.Ed., Degree in Tamil Nadu Teachers Education University in May 2011. The respondent in accordance with the provision of Sub Section 1 of Section 23 of RTE Act, laid down minimum qualification for a person to be eligible for appointment as a Teacher in Classes 1 to 8. One of the essential qualifications for a person to be eligible for appointment as a Teacher is that “he/she should pass Teacher Eligibility Test (TET), which will be conducted by the appropriate Government in accordance with the guidelines framed by the National Council for Teacher Education (NCTE). The respondent herein is designated as the nodal agency for conducting such



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test and recruitment of teachers as per G.O.Ms.No.181, School Education (C2) Department dated 15.11.2011. The respondent as a nodal agency, invited applications for Tamil Nadu Teacher Eligibility Test (TNTET) 2012 prescribing various norms and also issued a detailed prospectus. As per the said prospectus, the eligibility for an appointment as Teacher to classes VI to VIII is that he/she should have passed Bachelor of 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 from a recognised university under 10+2+3 pattern and a Degree in Teacher Education (B.Ed.,).

3.1 The respondent had issued notification for conducting the Tamil Nadu Teacher Eligibility Test Supplementary – 2012 and the examination was held on 14.10.2012 in the forenoon and afternoon for Papers I and II respectively. Pursuant to the said notification, the petitioner had made an application. The said application in OMR sheet (which was provided by the respondent) in Column 4 main subject nine specific subjects were noted and there was also a provision for “others”. The respondent after scrutinising the application (OMR Sheet) submitted by the petitioner had issued Hall Ticket for the Tamil Nadu Teacher Eligibility Test and she was assigned the Roll



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3.2 The result published by the respondent it was shown that the petitioner is qualified in the test (Paper-II). The petitioner scored 92 marks. Those candidates who have secured 50% marks for the above called for certificate verification. After the said result, the petitioner was given a communication to appear for certificate verification. The petitioner duly appeared for certificate verification with all the certificates. However, on 05.12.2012, shockingly, when the final result was displayed, the petitioner's name was not found in the “selected list of candidates”. It was mentioned that the petitioner is not selected with a remarks that she is holding the degree of “Bachelor of Computer Applications”. The selected candidates would be appointed on the basis of seniority with communal rotations and the priorities laid down by the Government of Tamil Nadu. The petitioner although eligible, qualified and passed the test, however, due to erroneous understanding was not selected and the petitioner has no other remedy except to approach this Court by way of filing the present writ petition.

4. The respondent has filed a counter affidavit on 12th December 2013.



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5. Learned Standing Counsel appearing for the respondent submitted that the respondent Board is the Nodal Agency for conducting the “Teacher Eligibility Test” (TET). The respondent Board issued the Notification dated 07.03.2012 pursuant to G.O.(Ms).No.181, School Education C2 Department dated 15.11.2011 and the GO No.100 School Education (Q2) Department dated 10.08.2004 and in the light of the Notification of the NCTE dated 23.08.2010. The Notification of the respondent Board is in consonance and not in conflict with the aforesaid G.Os and the Notification of the NCTE. Clause 3 of the Notification / Advertisement dated 07.03.2012 reads as follows:

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

Candidates who have passed Higher Secondary Course (10+2 pattern) and Diploma in Teacher Education in a Recognised Teacher Training Institute / DIET and seeking an appointment as Teacher for classes I to V (except visually impaired candidates) can write Paper I.

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 from a Recognised University under 10+2+3



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pattern and a Degree in Teacher Education (B.Ed) from a Recognised University and seeking an appointment as Teacher for classes VI to VIII can writ paper II.

Candidates appearing for the final year examination of D.T.Ed/B.Ed. during the current Academic year are also eligible to appear for the Teacher Eligibility Test.

6. Learned Standing Counsel further submitted that the petitioner has not passed the Bachelor's Degree in any one of the subjects mentioned in the Notification or a degree in any one of the Equivalent subjects from a Recognised University as per Clause 3 of the aforesaid Notification. Since the petitioner admittedly passed Bachelor degree in Computer Applications, she is not eligible and entitled to be appointed as B.T.Assistant in Government Middle, High and Higher Secondary Schools. He further submitted that the petitioner was permitted to write the TNTET Paper II as per the information furnished by her in the OMR application and subsequently she was called for Certificate Verification and during the certification verification it was found that she did her graduation in Computer Applications which is not included in the subjects under Clause 3 above of the Notification dated 07.03.2012 and hence she was not considered for further selection.



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7. Learned Standing Counsel further submitted that the phrase “others” does not include Computer Applications as averred by the petitioner and it refers to the subjects which are equivalent to any of the nine subjects mentioned in Clause 3 of the Notification of the respondent Board dated 07.03.2012.

8. Learned Standing Counsel further submitted that mere participation in the Certificate Verification would not give a right to those candidates to claim selection and appointment based on such participation as held by this Court in its order dated 10.02.2012 in W.P.No.2108 of 2012. He further submitted that the prayer of the writ petitioner is redundant and infructuous as the result of the Teacher Eligibility Test (TET) 2012 was published and the successful candidates selected for appointment were recruited in the respective department and the entire recruitment process thereof came to an end.

9. Learned Standing Counsel further submitted that a fresh notification for Teacher Eligibility Test 2013 was published on 22.05.2013 and that TNTET Paper I and II were conducted respectively on 17.08.2013 and 18.08.2013 and subsequently the provisional results of the TET Paper I and II 2013 were released on 05.11.2013 and prays that the writ petition may be



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dismissed.

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10. Heard both sides and perused the materials available on record.

11. In this case, the notification/advertisement dated 07.03.2012 was issued by the respondent Board in which Clause 3 deals with eligibility to write TET and Clause 3 of the Notification/Advertisement dated 07.03.2012 reads as follows:

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

Candidates who have passed Higher Secondary Course (10+2 pattern) and Diploma in Teacher Education in a Recognised Teacher Training Institute / DIET and seeking an appointment as Teacher for classes I to V (except visually impaired candidates) can write Paper I.

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 from a Recognised University under 10+2+3 pattern and a Degree in Teacher Education (B.Ed) from a Recognised University and seeking an appointment as



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Teacher for classes VI to VIII can write paper II.

Candidates appearing for the final year examination of D.T.Ed/B.Ed. during the current Academic year are also eligible to appear for the Teacher Eligibility Test.

12. In view of Clause 3 of the above notification, the petitioner's subject namely, Computer Applications is not included in the subjects mentioned therein since the petitioner has obtained the Bachelor's degree in Computer Applications, which is not equivalent to any one of the equivalent subjects. As per Clause 3 of the notification it is mandatory that the candidate must possess a Bachelor's degree in any one of the the subjects mentioned to appear in the TET examination conducted by the respondent Board which is a nodal agency for conducting the same, as per the notification of the NCTE and the Government orders MS.No.181 School Education C2 Department dated 15.11.2011 and G.O.No.100 School Education (Q2) Department dated 10.08.2004. The petitioner admittedly passed the Bachelor degree in Computer Applications. Hence, she is not eligible to be appointed as B.T. Assistant in Government Middle, High and Higher Secondary Schools. It is pertinent to note that only at the time of verification of the certificates, it was found that the petitioner has done graduation in Computer Science, which is



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not included in the subjects under Clause 3 of the notification dated 07.03.2012 issued by the respondent Board. Further, it is also pertinent to note that the petitioner was permitted to write the TNTET Paper II as per the information furnished by her in the OMR application and subsequently she was called for the certificate verification on 07.11.2012. The candidates are not required to send the copies of the certificates along with OMR application form relating to Teachers Eligibility Test (TET). Hence it was not possible for the respondent Board to verify the educational qualification of the petitioner and the same can be found only at the time of verification of the certificates which was done in the case of the petitioner.

13. In view of the above factual matrix of the case, this Court is not inclined to interfere with the order passed by the respondent Teacher Recruitment Board dated 05.12.2012 and the same is hereby confirmed.

In the result, the **writ petition stands dismissed**. No costs.
Consequently connected miscellaneous petition is closed.

05.02.2024



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cda

Index : Yes/No

Speaking/Non Speaking order

To

The Secretary,
Teachers Recruitment Board,
College Road, Chennai – 6.

J.SATHYA NARAYANA PRASAD, J.

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