



W.P.No. 33929 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.03.2024

CORAM:

THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.33929 of 2012

and

W.M.P.No.1 of 2012

P.B. Baskaran

...Petitioner

Vs

1. The Secretary,
Department of Elementary Education,
Government of Tamil Nadu,
Fort.St.George, Chennai.
2. The Secretary,
Ministry of Human Resource Development,
Government of India,
Shastri Bhawan, C-wing,
Dr.Rajendra Prasad Road,
New Delhi – 110001.
3. The Member Secretary,
National Council for Teacher Education,
Hans Bhawan,
Bahadur Shah Zafar Marg,
New Delhi – 110002.



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4. The Chairman,
Teachers Recruitment Board,
Government of Tamil Nadu,
4th Floor, EVK Sambath Maaligai,
DPI Compound, College Road,
Chennai – 600 006.

...Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India praying for issuance of Writ of Declaration, declaring that clause I (i) (a) of the Notification of the 3rd respondent bearing F.No.61- 03/20/2010/NCTE/(N&S) dated 23rd Aug, 2010 as modified by its notification bearing F.No.61-01/2011/ NCTE/(N & S) dated 29th July, 2011 in so far as calling upon the petitioner to write and pass Teachers Eligibility Test for bearing qualified for appointed as secondary grade teacher by the 1st and 4th respondents is illegal and unconstitutional.

For Petitioner	: No appearance
For R1	: Mr.T.M.Rajangam Government Advocate
For R2 & R3	: Mr.R.Subramanian Central Government Standing Counsel
For R4	: Mr. R.Siddharath Standing Counsel



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ORDER

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The petitioner has filed the present writ petition for declaring that clause I(i)(a) of the Notification of the third respondent bearing F.No.61-03/20/2010/NCTE/(N&S) dated 23rd Aug, 2010 as modified by its notification bearing F.No.61-01/2011/ NCTE/(N & S) dated 29th July, 2011 in so far as calling upon the petitioner to write and pass Teachers Eligibility Test for bearing qualified for appointed as secondary grade teacher by the first and fourth respondents is illegal and unconstitutional.

2. There is no representation on behalf of the petitioner.

3. The learned standing counsel appearing for the fourth respondent/Teachers Recruitment Board (TRB) submitted that similar issue has been decided by the Division Bench of this Court reported in **2012 SCC Online Mad 3173** in the case of ***R.Rajaraman vs. The Additional Chief Secretary to Government, School Education (C2) Department, Secretariat,***



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Chennai-9 and 5 others, the relevant paragraphs are extracted hereunder for

better appreciation and understanding:-

“12. This Court, after thoroughly analysing the subject matter involved in the writ appeal in the backdrop of the facts involved in the case, discussed the concept of legitimate expectation in great details as earlier dealt with by this Court in P.Suseela v. University Grants Commission (W.A.Nos. 893 of 2010 dated 06.12.2010), observed that the principles of legitimate expectation will have no application to the facts and circumstances of the present case as even in terms of the Right to Education Act, it was mandatory for the State to recruit Secondary Grade Teachers and B.T.Teachers only by conducting the Teacher Eligibility Test, the object being to bring national standards and benchmark of teacher quality in the recruitment process and with a view to induce the teachers and the educational institutions to further improve their performance and with a view to send a positive signal to all stake-holders that the Government lays special emphasis on teacher quality.

13. In our considered opinion, therefore, the principles laid down in the above judgment squarely answer the questions raised in the present case. The learned single



judge was perfectly right in accepting the statement made by the learned Special Government Pleader and the stand taken in the counter affidavit filed on behalf of the Teachers Recruitment Board that only those appear and pass the Teacher Eligibility Test will be eventually selected for appointment to the post of Secondary Grade Teachers.

14. We do not find any ground to interfere with the well considered and well merited order passed by the learned single judge. The writ appeal is, therefore, dismissed. However, there shall be no order to costs. Consequently, M.P.No. 1 of 2012 is closed.”

4. In view of the above facts, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index:Yes/No
Speaking Order : Yes/No
Neutral Citation Case : Yes/No
nsl



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To

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J.SATHYA NARAYANA PRASAD, J.

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