



W.P.No.34462 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

**W.P. No. 34462 of 2012
and MP.No. 2 of 2012**

J. Ponrosiba

...Petitioner

Vs

Government of Tamil Nadu
Rep. by its Chairman
Teacher Recruitment Board
4th floor, EVK Sampath Maaligai
DPI Compound, College Road,
Chennai 600 006.

...Respondent

PRAYER : Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified Mandamus calling for the records from the file of the respondent published in the website <http://trb.tn.nic.in/TET2012/05122012D/status> with regard to the petitioner's result bearing Roll No.12TE22756075 and quash the same and further direct the respondent to declare the petitioner selected the examination conducted for paper II on 14.10.2012 with further direction to issue posting and placement order to the petitioner as Teacher (Graduate Assistant) for Class VI to VIII.



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For Petitioner : Mr.SU.Srinivasan

For Respondents : Mr.C.Kathiravan
Standing Counsel

ORDER

This writ petition has been filed to call for the records from the file of the respondent published in the website <http://trb.tn.nic.in/TET2012/05122012D/status> with regard to the petitioner's result bearing Roll No.12TE22756075 and quash the same and further direct the respondent to declare the petitioner selected the examination conducted for paper II on 14.10.2012 with further direction to issue posting and placement order to the petitioner as Teacher (Graduate Assistant) for Class VI to VIII.

2. The learned counsel appearing for the petitioner submitted that the petitioner had completed her degree in Computer Science at L.N.V College, Chettipalayam, Coimbatore District in the year 2003 and thereafter completed B.Ed., Course in CSI College of Education, Madurai Kamarajar University, Madurai during December 2007. The petitioner worked in Venkatraj Matriculation Higher Secondary School, Sultanpet, Suler, Coimbatore district.



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The learned counsel further submitted that 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 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.).



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3. The learned counsel further submitted that the respondent had issued notification for conducting Tamil Nadu Teacher Eligibility Test Supplementary – 2012 on 07.03.2012 and written test was to be conducted on 03.06.2012 in the forenoon and afternoon for the Paper 1 and Paper 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 others category has to specify and accordingly the petitioner had specified her main subject as “Computer Science” and she had chosen “Social Science” as option paper. 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 No.12TE22756075.

4. The learned counsel further submitted that however, the exam was postponed to 14.10.2012 and the petitioner was allotted PSG Sarvajana Higher Secondary School, Peelamedu, Coimbatore as centre for examination. In the result published by the respondent it was shown that the petitioner is qualified in the test. Those candidates who have secured 50% marks for the above called

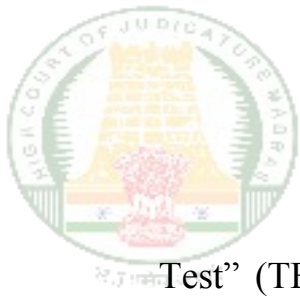


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for certificate verification. After the said result, the petitioner was given a communication to appear for certificate verification on 07.11.2012 at Presentation Girls Higher Secondary School, near Head Post Office, Coimbatore. The petitioner duly appeared for certificate verification with all the certificates. However, 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 “Computer Science”. Thereafter the petitioner made a representation to the respondent on 07.12.2012. 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 learned counsel further submitted that 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.

5. The respondent has filed a counter affidavit in December 2013. The learned Standing Counsel appearing for the respondent submitted that the respondent Board is the Nodal Agency for conducting the “Teacher Eligibility



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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 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.



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6. The 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 Science, 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 on 07.11.2012 and during the certification verification it was found that she did her graduation in Computer Science 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.

7. The learned Standing Counsel further submitted that the phrase “others” does not include Computer Science 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. The



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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.

8. The 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 dismissed.

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

10. 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 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.

11. In view of Clause 3 of the above notification, the petitioner's subject namely, Computer Science is not included in the subjects mentioned therein since the petitioner has obtained the Bachelor's degree in Computer Science, which is not equivalent to any one of the equivalent subjects. As per Clause 3



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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 Science. Hence she is not eligible to be appointed as BT 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 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



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time of verification of the certificates which was done in the case of the petitioner.

12. In view of the above factual matrix of the case, this Court is not inclined to interfere with the impugned publication in the website <http://trb.tn.nic.in/TET2012/05122012D/status> made by the respondent Board so far as the petitioner is concerned.

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

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



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To

The Chairman
Government of Tamil Nadu
Teacher Recruitment Board
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DPI Compound, College Road,
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J.SATHYA NARAYANA PRASAD, J.

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