



C.M.P.No.5776 of 2024
IN
W.A.SR.No.29946 of 2024

R. MAHADEVAN, J.
AND
MOHAMMED SHAFFIQ, J.

(Order of the Court was made by R.Mahadevan, J.)

This petition has been filed by the petitioners/appellants to grant leave to file a third party appeal against the order dated 09.01.2024 passed by the learned Judge in W.P.No.250 of 2024.

2. The learned counsel for the petitioners submitted that the petitioners who were qualified to be appointed as B.T. Assistants, participated in the selection process to the post of Secondary Grade Teachers in the years 2013 and 2017 up to certificate verification, but they were not issued with the appointment orders by the Government. While so, by G.O.Ms.No.149 School Education (TRB) Department dated 20.07.2018, the Government has taken a policy decision to conduct a competitive examination, apart from TET, for recruitment to the post of Secondary Grade Teachers and Graduate Assistants. Challenging this Government Order, several writ petitions were filed before this Court and the writ petition filed by 175 individuals in W.P.No.161 of 2024 was dismissed by the learned Judge by order dated 08.01.2024. The relevant portion from the said order is extracted hereunder for ready reference :

“... .. Therefore, this Court restructuring the cadres prescribing qualification are matters that fall in the employer's domain and the scope of judicial review would be in a narrow campus. Hence, this Court can exercise its power of judicial review only if the State action is contrary to the constitutional or statutory provisions or is vitiated by malafides or is arbitrary. As discussed above, this Court finds no malafide or arbitrariness in passing of G.O.Ms.No.149, dated 20.07.2018.

R. MAHADEVAN, J.



AND

MOHAMMED SHAFFIQ, J.

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In view of the above, this Court is of the opinion that this writ petition lacks merits and it is liable to be dismissed. Accordingly, this writ petition stands dismissed.”

In the light of the order referred *supra*, the writ petition filed by two individuals in W.P.No.250 of 2024 was also dismissed by the learned Judge, by order dated 09.01.2024. Since the said order would cause serious prejudice to the rights of the petitioners herein, who are similarly placed, they sought leave of this court to challenge the said order of the learned Judge in W.P.No.250 of 2024.

3. Considering the reasons stated in the affidavit filed in support of this petition and having regard to the submissions made by the learned counsel for the petitioners, leave is granted and this petition is ordered as prayed for.

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[R.M.D., J.] [M.S.Q., J.]
12.03.2024

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