



W.P.No.6653 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :18.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.6653 of 2024

Aided Primary School
rep. By its Manager T.Thiagarajan
Kovoor Village
Thurinjapuram Block
Thiruvannamalai.

...Petitioner

-Vs-

- 1.The State rep. By
Principal Secretary to Government
School Education Department
Secretariat, Chennai – 9.
- 2.The Director
Directorate of Elementary Education
DPI Campus, Nungambakkam
Chennai – 18.
- 3.The Chief Educational Officer
Thiruvannamalai District,
Thiruvannamalai.
- 4.The District Elementary Educational Officer
Thiruvannamalai,
Thiruvannamalai District.



W.P.No.6653 of 2024

5.The Block Educational Officer -II
Thurinjapuram Block
Thiruvannamalai.

6.D.Kavitha

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus direct the 2nd respondent to take necessary action, restraining the 6th respondent in attending in the petitioner school/class, as she was not qualified the TET (Teacher Eligibility Test) Examination, as prescribed under RTE Act in the light of judgement in W.P.No.19083 of 2019 dated 28.04.2022, which was upheld by the Division Bench in W.A.No.1088 of 2023 dated 05.06.2023.

For petitioner : Mr.P.Murali

For respondents 1 to 5 : Mrs.S.Mythreya Chandru
Special Government Pleader

ORDER

This writ petition has been filed for direction to the 2nd respondent to take appropriate action as against the 6th respondent.



W.P.No.6653 of 2024

2. The petitioner's school is a aided Primary School. While being so, the 6th respondent was appointed as Secondary Grade Teacher on 25.04.2012 on condition that she should pass in the Teachers Eligibility Test within five years from the date enactment of the Right of Children to Free and Compulsory Education Act, 2009 which came into force from 01.04.2010 with reference to G.O.Ms.No.181, School Education (C2) Department dated 15.11.2011. However, the sixth respondent not qualified Teachers Eligibility Test till date. The respondents instructed the petitioner to terminate the sixth respondent due to not qualified for Teachers Eligibility Test. The petitioner issued order of termination on 30.04.2019. The said order of termination was challenged by the 6th respondent in W.P.No.19083 of 2019 and the same was dismissed on 28.04.2022. Aggrieved by the same, the 6th respondent also filed writ appeal in W.A.No.1088 of 2023 and the was also dismissed by this Court. Even then the sixth respondent knocking the doors of the petitioner's school to continue as teacher. Since, the order of termination was confirmed by the Hon'ble Division Bench of this Court.



W.P.No.6653 of 2024

3. The respondents 1 to 5 are directed not to permit the sixth respondent in any manner to working in the petitioner's school. However, the petitioner shall comply the Rule 17 of Tamilnadu Recognized Private Schools (Regulation) Act, 1973.

4. With the above direction, this writ petition is disposed of. No costs.

18.03.2024

Index : Yes/No
Speaking/Non-Speaking Order
Neutral Citation : Yes/No
gvn



W.P.No.6653 of 2024

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W.P.No.6653 of 2024

G.K.ILANTHIRAIYAN,J.
gvn

W.P.No.6653 of 2024

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