



W.P.No.10755 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P. No.10755 of 2021

M.Sophia

...
Vs.

Petitioner

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

3. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents to pass orders for granting appointment / posting order in favour of the petitioner based on the selection concluded in the year 2013, on par with others, in pursuant to the Proceedings of 3rd Respondent in Na.Ka.No.5786/Aa4/2013, dated



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12.11.2013, by considering the representation submitted by the petitioner dated 18.04.2017, with all consequential and other attendant benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mr.M.Rajendran,
Additional Government Pleader

ORDER

This Writ petition has been filed, seeking a direction to the Respondents to grant appointment order in favour of the petitioner based on the selection concluded in the year 2013, on par with others, in pursuant to the Proceedings of 3rd Respondent in Na.Ka.No.5786/Aa4/2013, dated 12.11.2013, by considering the representation submitted by the petitioner dated 18.04.2017, with all consequential and other attendant benefits.

2. The petitioner who is qualified for the post of Secondary Grade Teacher had registered her name in the employment exchange. The 3rd respondent conducted selection for filling up the post of Secondary Grade Teacher and B.T. Assistants in respect of vacancies of the year 2007-2008 and 2008-2009 as per G.O.Ms.No.220, dated 10.11.2008, based on



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Employment Exchange Seniority. A call letter was sent to the petitioner in Memo No.5015/Aa4/2008, dated 14.05.2009 to attend certificate verification for the selection and appointment to the post of Secondary Grade Teacher under the SC reserved Category held on 01.06.2009. The petitioner participated in the certificate verification held on 01.06.2009 and produced all the certificates and the same have been duly verified by the official authorities.

3. Thereafter, the petitioner was once again issued with another call letter for certificate verification to be held on 07.10.2009 and her employment card was also renewed. It is the grievance of the petitioner that despite the appointment orders were given to other similarly placed persons, the petitioner was not given with any appointment order. In this regard, the petitioner has made several representations to the respondents. However, the same have not been considered so far. Hence, this Writ Petition.



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4. Mr.M.Rajendran, learned Additional Government Pleader appearing for the Respondents submitted that the petitioner has filed the present Writ petition after a lapse of 12 years from the date of recruitment which is an after thought. As per the judicial pronouncement, the qualification in Teachers Eligibility Test (in short TET) is mandate for the appointment of the Secondary Grade Assistants. The petitioner obviously does not have TET qualification certificate and hence she does not fall within the eligibility criteria. Hence, he prayed for dismissal of the Writ Petition.

5. It is true that the petitioner was silent for more than seven years and after having given representation in the year 2015, she filed a Writ Petition all of a sudden. The delay on the part of the petitioner, is not explained in any acceptable manner. The eligibility criteria for the post of the Secondary Grade teacher has been revised recently that TET qualification is a mandate for the appointment of B.T.Assistants and Secondary Grade Teachers. However, the petitioner claims that the impugned recruitment relates back to the years 2007-2008 and 2008-2009, during which time, it is not mandate to have TET eligibility.



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6. In view of the above, the respondents are directed to consider the representation of the petitioner, dated 18.04.2017, and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

7. With the above direction, this Writ Petition is disposed of. No costs.

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Index: Yes / No
Speaking order / Non-speaking order
vum

To:

1. The Principal Secretary to Government,
School Education Department,
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2. The Director of School Education,
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