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W.P.Nos. 16228, 15483 & 14823 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos. 16228, 15483 & 14823 of 2024
and
W.M.P.Nos.17774, 16825 & 16056 of 2024

R.Kalaivani		Petitioner in W.P.No.16228 of 2024
A.Devi		Petitioner in W.P.No.15483 of 2024
M.P.Sudhakar		Petitioner in W.P.No.14823 of 2024

Vs

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

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

2. Teachers Recruitment Board,
4th Floor, DPI Campus,
College Road, Chennai – 600 006. Respondents in all the W.Ps



W.P.Nos. 16228, 15483 & 14823 of 2024

Prayer in W.P.Nos.16228 & 15483 of 2024:- Writ Petitions filed under Article 226 of Constitution of India for the issuance of Writ of declaration, to declare that the petitioner is eligible to be appointed as Graduate Teacher – Tamil pursuant to the recruitment notification No.3/2023 dated 25.10.2023 and addendum notifications No.3A/2023 dated 15.11.2023 and No.3B/2023 dated 17.05.2024.

Prayer in W.P.No.14823 of 2024:- Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of declaration, to declare that the petitioner is eligible to be appointed as Graduate Teacher – History under B.Ed (Spl. Ed. - Hearing Impairment) pursuant to the recruitment notification No.3/2023 dated 25.10.2023 and addendum notifications No.3A/2023 dated 15.11.2023 and No.3B/2023 dated 17.05.2024.

In all W.Ps

For Petitioner	:	Mrs.N.Kavitha Rameshwar
For R1 & R2	:	Mr.M.Rajendran Additional Advocate General
For R3	:	Mr.R.Neelakandan Additional Advocate General Assisted by Mr.R.Siddharth Standing Counsel

COMMON ORDER

These Writ Petitions have been filed for declaration to declare that the petitioners are eligible for the post of Graduate



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Teachers/Block Resource Teacher Educator (hereinafter referred to as “BRTE”) pursuant to the Notification dated 25.10.2023 issued by the third respondent.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. The petitioners have completed their Bachelor of Literature (B.Lit) in Tamil and D.T.Ed./B.Ed., They had also passed Teacher Eligibility Test (hereinafter referred to as “TET”). Some of the petitioners also acquired additional degree such as B.Ed., and Special B.Ed., after passing TET. While being so, the third respondent issued Notification dated 25.10.2023 for direct recruitment for Graduate Teachers/BRTE. However, the online portal does not accept the applications of the petitioners. The minimum qualification for the post of BT Assistants/Graduate Teachers as follows : -

Minimum Qualifications :

(i) Classes VI – VIII

(a) Graduation and 2 years Diploma in Elementary Education (by whatever name known)

OR

Graduation with at least 50% marks and I-year Bachelor in Education (B.Ed.)

OR



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Graduation with at least 45% marks and I-year bachelor's in education (B.Ed.), in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard.

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-years Bachelor in Elementary Education (B.El.Ed)

OR

Senior Secondary (or its equivalent) with at least 50% marks and 4-years B.A/B.Sc.Ed. or B.A.Ed./B.Sc.Ed.

OR

Graduation with at least 50% marks and I-year B.Ed. (Special Education)

AND

(b) Pass in Teacher Eligibility Test (TET), to be conducted by the appropriate Government in accordance with the Guidelines framed by the NCTE for the purpose.

4. In the year 2013, the third respondent issued Notification dated 22.05.2013 inviting applications for TET for Paper I (Classes I to V) and Paper II (Classes VI to VIII) for the year 2013. The third respondent prescribed the eligibility criteria for writing the TET and the same is extracted hereunder :-

3. Eligibility to Write TET :

Candidates should possess the following prescribed qualifications to write the Teacher Eligibility Test :



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a. Candidates who has passed Higher Secondary Course (10+2 Pattern) and Diploma in Teacher Education / Diploma in Elementary Education (regarding other State D.T.Ed Certificate, evaluation certificate is necessary) in a Recognized Teacher Training 3 Institute / DIET and seeking an appointment as Secondary Grade Teacher for classes I to V (except Visually Impaired Candidates) can write Paper I.

b. 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 (Regarding equivalent subject, Government orders issued prior to the date of this notification alone will be considered) from a Recognized University under 10+2+3 Pattern and a Bachelor's Degree in Education (B.Ed.) from a Recognized University and seeking an appointment as Teacher for classes VI to VIII can write Paper II.

5. Likewise, in the year 2017, the third respondent issued Notification dated 24.02.2017 inviting applications from the eligible candidates for TET, Paper – I and Paper – II for the year 2017, wherein the third respondent fixed the same eligibility criteria as follows :-



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3. Eligibility to Write TET Paper II :

Candidates should possess the following prescribed qualifications to write the Teacher Eligibility Test Paper II :

a. 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 as major subjects in their Degree course or a Degree with any one of the equivalent subjects (regarding equivalent subjects, Government orders issued prior to the date of this notification alone will be considered) from a Recognized University under 10+2+3 Pattern and a Bachelor's Degree in Education (B.Ed.) from a Recognized University and seeking an appointment as Graduate Teacher can write Paper II. The candidates with B.Lit., (Tamil) degree should possess either B.Ed. or D.T.Ed. or TPT.

6. Accordingly, all the petitioners applied for the same and completed their written examination in Paper-II and passed TET. Their certificate verification was also over. While being so, the third respondent issued the present Notification dated 25.10.2023 for direct recruitment of Graduate Teachers/BRTE for 2023. The last date for submitting applications for the said post is 30.11.2023. The educational qualification prescribed is as follows :-



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B. Educational Qualifications (As on the date of Notification) :

No person shall be eligible for appointment to the post of GRADUATE TEACHERS / BLOCK RESOURCE TEACHER EDUCATORS (BRTE), unless he/she possesses the minimum educational qualification s as follows :

(i) Graduation and 2 years Diploma in Elementary Education (by what ever name known) ; or

(ii) Graduation with at least 50% marks and Bachelor in Education (B.Ed.); or

(iii) Graduation with at least 45% marks and Bachelor in Education (B.Ed.), in accordance with the NCTE (Recognition Norms and Procedure) Regulations issued from time to time in this regard; or

(iv) Higher Secondary (or its equivalent) with at least 50% marks and 4-years Bachelor in Elementary Education (B.El.Ed); or

(v) Higher Secondary (or its equivalent) with at least 50% marks and 4-years B.A./B.Sc.,Ed., or
OR

(vi) Graduation with at least 50% marks and B.Ed. (Special Education); and

Must have obtained a degree or its equivalent with such Subjects or Languages in respect of which recruitment is made ; and

Pass in Tamil Nadu Teacher Eligibility Test (TNTET) Paper-II with relevant optional subject for direct recruitment :



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Provided that the candidates possessing the educational qualifications prescribed in (i), (iv) and (vi) above shall be eligible for appointment as Graduate Teacher (Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology, History and Geography) to Classes VI to VIII:

The candidates should have obtained Graduate Degree (B.A./B.Sc). with Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology, History and Geography as Major subjects obtained from a recognized University [G.O.(Ms.) No.47, School Education (TRB) Department, dated 25.02.2021]

7. The Bachelor of Literature in Tamil is a graduation course and in fact one of the specialized courses in the language of Tamil. As per GO(1D) No.268 Higher Education (H1) Department, dated 20.09.2012, it was ordered that B.Lit (Tamil) degree in Annamalai University and Bharathiar University are equivalent to B.Lit (Tamil) of Madras University. Unfortunately, in the present Notification, the B.Lit (Tamil) was not mentioned as educational qualification.

8. On instructions, the respondents submitted that the B.Lit (Tamil) accorded by Annamalai University is not equivalent to B.A.(Tamil), as per G.O.(Ms) No.111, Higher Education (K1)



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Department, dated 17.04.2023. Whereas, as per GO (1D) No.268, Higher Education (H1) Department, dated 20.09.2012, the B.Lit (Tamil) accorded from Annamalai University and Bharathiar University are equivalent to B.Lit (Tamil) of Madras University. Accordingly, all the petitioners were permitted to write TET and they had qualified TET. Their certificates were also verified by the authority concerned.

9. Considering the above, this Court passed an interim order on 08.12.2023, which is as follows :-

“All the petitioners herein are aspirants to apply for the post of Graduate Teacher/Block Resource Teacher Educator (BRTE), 2023 under the notification dated 25.10.2023, as well as the addendum notification dated 15.11.2023, issued by the Teachers Recruitment Board (TRB). Since their applications were not accepted in the online portal of TRB, they have filed the present Writ Petitions.

2. Both the learned Additional Advocate Generals, on instructions, submitted that each of the petitioners herein do not possess the essential qualifications or other requirements specified in the recruitment notification for one or more of the reasons mentioned hereunder:-

(a) The graduation obtained in B.Lit. Tamil from Annamalai University has been



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declared to be not equivalent to B.A. Tamil by the equivalence committee, through G.O.(Ms).No.111, Higher Education Department, dated 17.04.2023, which has also been intimated to the candidates through annexure-IV of the notification.

(b) They have cleared the Teacher Eligibility Test (TET), 2017, based on B.Lit. (Tamil) qualification and thereafter completed B.Ed., which is opposed to G.O.Ms.No.13, School Education Department, dated 30.01.2020.

(c) Their possession of the qualification in the pattern of 10+2+3+TET+3 is not in accordance with the qualification criteria referred to in Clauses 6B and 8A of the notification dated 25.10.2023.

(d) Since B.Lit. (Tamil) degree obtained from Annamalai University is not equivalent to B.A. (Tamil) for the purpose of employment in public services, their candidature has not been accepted.

3. The learned Additional Advocate Generals submitted that in the absence of any one or more of the aforesaid qualifications/requirements, it is not possible for the TRB to accept the application either by online or physical mode.

4. On a prima facie view, the qualifications prescribed under Clause 6B of the notification is that, a candidature should possess a graduation and B.Ed., and a pass in TET Paper-II with relevant optional subject for direct recruitment. When B.Lit. is by itself a degree of graduation, comparison of the B.Lit.



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degree to B.A. (Tamil) is unwarranted, when Clause 6B does not specify the requirement of B.A. (Tamil) alone as graduation.

5. Moreover, when the educational qualification prescribed in the notification is any graduation + B.Ed., + TET alone, Clause 6B does not specify the pattern in which the qualification in TET should be obtained. In other words, the requirement of possessing TET after 10+2+3+3 has not been specified in the notification. While that being so, seeking for qualification in TET after B.Ed., and before the additional under graduation degree, may be an arbitrary claim, particularly when it is inconsistent with the qualifications prescribed under Clause 6B.

6. The issue as to whether the petitioners can be declared to have possessed the required essential qualifications/requirements, in accordance with the notification, can be deliberated at a later stage. However, since the last date for uploading the applications is today, this Court is of the view that the TRB can be directed to receive the petitioners' applications, subject to the final decision to be taken in these Writ Petitions. 7. Accordingly, there shall be a direction to the TRB to forthwith accept the petitioners' applications, seeking for participation in the direct recruitment process of Graduate Teachers/BRTE, 2023, pursuant to the notification dated 25.10.2023, either through online or physical mode, on or before 11.12.2023. The further scrutiny of their applications can be made in the next date of hearing."



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10. Accordingly, the petitioners had applied for participation in the direct recruitment process of Graduate Teachers/BRTE, 2023 and they were permitted to write the examination. The date of examination is fixed as 04.02.2024. Therefore, the petitioners were permitted to apply for the said post already and they were issued with Hall Tickets to write the examination to be held on 04.02.2024.

11. In view of the above, no further adjudication is required in these writ petitions. The respondents are directed to proceed further with the selection process, if the petitioners are qualified in their written examination.

12. With the above direction, these writ petitions are disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

08.07.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
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1. The Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai – 600 009.

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

2. Teachers Recruitment Board,
4th Floor, DPI Campus,
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