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W.P.No.25819 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2024

CORAM:

THE HON'BLE MR.D.KRISHNAKUMAR
ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.B.BALAJI

W.P.No.25819 of 2024

P.Indra

... Petitioner

-VS-

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of Education,
Chennai-600 009.
2. The Commissioner of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.
3. The Joint Director of School Education (Personnel),
DPI Campus, College Road,
Chennai-600 006.
4. The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.
5. Teachers Recruitment Board (TRB),
Rep. by its Member Secretary,
4th Floor, DPI Campus,
College Road,
Chennai-600 006.

... Respondents



W.P.No.256 of 2023

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration to declare that the petitioner is entitled to be appointed as Secondary Grade Teacher on the basis of TET Marks and TET passed year as seniority, she has completed certificate verification in the year 2014 before 20.07.2018, i.e., the date of passing of G.O.Ms.No.149, School Education (TRB) Department dated 20.07.2018 without resorting to any competitive examination by extending the benefit of the order in W.P.No.26084 of 2023 dated 10.07.2024.

For Petitioner : Mr.S.Yasar Arafath
For R1 to R4 : Mr.U.M.Ravichandran
Spl. Govt. Pleader
For R5 : Mr.R.Neelakandan
Addl. Advocate General
Assisted by Mr.K.Sathishkumar

ORDER

(By the Hon'ble Acting Chief Justice)

This Writ Petition has been filed for a declaration that the petitioner is entitled to be appointed as Secondary Grade Teacher on the basis of TET Marks and taking into account the year of passing TET for reckoning seniority, as she had completed certificate verification in the year 2014 before 20.07.2018, i.e., the date of passing of G.O.Ms.No.149, School Education (TRB) Department dated 20.07.2018 without resorting to any competitive examination by extending the benefit of the order in W.P.No.26084 of 2023 dated 10.07.2024.



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2. It is the case of the petitioner that some of the similarly placed persons have approached this Court in W.P.No.26084 of 2023, in which, this Court had granted the relief to the petitioners therein.

3. A cursory glance at Paragraph No.36 of the said order amply proves the fact that the order has been restricted only to the petitioners therein alone. In addition, when yet other similarly placed persons sought to implead themselves in the Writ Petition, their request was rejected. Thus, in our view, the order passed in W.P.No.26084 of 2023 will not inure to the benefit of the petitioner herein.

4. At this juncture, learned Additional Advocate General stated that challenging the order passed in W.P.No.26084 of 2023, respondents are taking steps to prefer an appeal. He brought to the notice of this Court G.O.Ms.No.147 dated 22.08.2023, wherein the request of candidates, who have passed TET examination has been considered and weightage of marks of 0.5 is being granted to them every year from the date of passing of the examination. The award of marks would be considered at the time of selection to the post of Secondary Grade Teachers and the said Government Order has not been called in question so far.



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5. The Division Bench of this Court in the order dated 10.07.2024 passed in W.P.No.26084 of 2024 had clearly held that the relief claimed in those writ petitions is restricted to the petitioners therein alone and it was also made clear that citing this judgment, fence-sitters will not be entitled to similar relief by filing fresh writ petitions. In view of the above, the prayer sought by the present Writ Petitioner cannot be granted, as the same would amount to reviewing the earlier order passed by the Division Bench of this Court.

6. In fine, finding no merits or substance in the argument of the petitioner, ***this Writ Petition is dismissed.*** No costs.

[D.K.K.,ACJ.] [P.B.B,J.]
05.09.2024

Index: Yes / No
Internet: Yes / No
Speaking Order/Non Speaking Order
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To:

1. The Principal Secretary,
State of Tamil Nadu,
Department of Education,
Chennai-600 009.
2. The Commissioner of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.



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3. The Joint Director of School Education (Personnel),
DPI Campus, College Road,
Chennai-600 006.

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4. The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai-600 006.
5. The Member Secretary,
Teachers Recruitment Board (TRB),
4th Floor, DPI Campus,
College Road, Chennai-600 006.



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AND
P.B.BALAJI,J.,
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