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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.25991 of 2024
and W.M.P.No.28388 of 2024

B.Thara

... Petitioner

Vs.

1.The State of Tamil Nadu

Rep. by Secretary to Government.
School Education Department,
Secretariat, Chennai – 600 009.

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

3.The Chief Educational Officer,
Nagapattinam.

4.The District Educational Officer,
Myladuthurai.

5.The Secretary,
Rahmania High School,
Vadagal, Sirgazhi Taluk,
Myladuthurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for



issuance of a Writ of Mandamus, call for records relating to the impugned order issued by the 4th respondent in Na.Ka. No.3478/A3/ 2024 dated 16.07.2024 and to quash the same consequently forbearing the respondents from insisting for passing of Teacher Eligibility Test against the petitioner to continue in service with all benefits in the post of B.T. Assistant (Tamil) in the 5th respondent school.

For Petitioner : Mr.M.Pari

For Respondents : Mrs.S.Mythreye Chandru
Special Government Pleader
for R1 to R4
Mr.M.P.Jayaprakash for R5

ORDER

This writ petition has been filed challenging the proceedings of the 4th respondent dated 16.07.2024 and for a consequential direction to the respondents not to insist for passing the Teachers Eligibility Test and to continue the service of the petitioner in the post of B.T. Assistant (Tamil) in the 5th respondent School with all attendant benefits.

2.When the writ petition came up for hearing on 05.09.2024, this Court passed the following order:

When the matter was taken up for hearing, learned counsel



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for petitioner submitted that the petitioner has cleared the TET examination and hence, the petitioner cannot be terminated from service. Such averment has not been made in the affidavit filed in support of the writ petition. The relevant document was also not filed in the typed set of documents. When the above was pointed out to learned counsel for petitioner, learned counsel seeks for the permission of this Court to file a better affidavit in this case and to file additional typed set of papers. Post this writ petition at the end of motion list on 11.09.2024.

3.The matter was thereafter listed for hearing on 11.09.2024 and the following order was passed by this Court:

Mrs.S.Mythreye Chandru, learned Special Government Pleader takes notice on behalf of the respondents 1 to 4.

2.Notice to 5th respondent returnable by 30.09.2024. Private notice is also permitted.

3.Pursuant to the earlier order passed by this Court on 05.09.2024, a better affidavit has been filed by the petitioner wherein it has been stated that the petitioner has passed the TET exam in the year 2013 itself. Additional typed set of papers has also



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been filed showing that the petitioner has passed TET in the year 2013.

4.The learned Special Government Pleader shall take instructions in this regard.

5.Post this case at the end of the motion list on 30.09.2024.

6.In the mean time, status quo as on today shall be maintained.

4.When the above order was passed, this Court directed the learned Special Government Pleader to verify as to whether the petitioner had cleared TET examination in the year 2013 itself. Accordingly, the matter was directed to be listed for hearing today.

5.When the matter was taken up for hearing today, the learned Special Government Pleader on instructions submitted that the petitioner has passed TET exam in the year 2013 itself.

6.In the light of the above submission made, the appointment of the



petitioner in the post of B.T. Assistant (Tamil) in the 5th respondent School cannot be cancelled and no recovery can be made against the petitioner.

Accordingly, the impugned proceedings of the 4th respondent dated 16.07.2024, is hereby quashed and the services of the petitioner in the 5th respondent School shall be continued with all attendant benefits.

7.In the result, this writ petition stands allowed in the above terms. No Costs. Consequently, connected miscellaneous petition is closed.

03.10.2024

Internet : Yes
Index : Yes
Speaking Order / Non Speaking Order
ssr

Note:Issue Order Copy on 04.10.2024



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N. ANAND VENKATESH, J.

ssr

To

- 1.The State of Tamil Nadu
Rep. by Secretary to Government.
School Education Department,
Secretariat, Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
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