



W.P.No.26032 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM :

THE HONOURABLE **MR.JUSTICE N.ANAND VENKATESH**

W.P.No.26032 of 2024  
and WMP Nos.28446 & 28448 of 2024

P.Pavithra

... Petitioner

-Vs-

The Chairman  
Teachers Recruitment Board  
Represented by its Member Secretary  
4<sup>th</sup> Floor, DPI Campus, College Road  
Chennai 600 006.

... Respondent

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records of impugned ineligibility list dated 18.07.2024 issued by the respondent and quash the same and consequently direct the respondent to appoint the petitioner as a Graduate Teacher forthwith.

For Petitioner : Mr.R.Prabakar

For Respondent : Mr.R.Neelakandan  
Additional advocate General  
Asst.by:  
Mr.R.Siddharth (TRB)

ORDER

This writ petition has been filed challenging the ineligibility list dated 18.07.2024, issued by the respondent insofar as adding the name of the petitioner in that list in



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Serial No.2 and for a consequential direction to the respondent to consider the appointment of the petitioner as a Graduate Teacher.

2.The case of the petitioner is that she had completed SSLC in the year 2016, HSC in the year 2018, B.Sc (Botany) in the year 2021, B.Ed during August 2023 and the petitioner had also cleared TNTET paper-II in February 2023.

3.The respondent issued Notification dated 25.10.2023, inviting application from eligible candidates for recruitment to the post of Graduate Teachers/BRTE. The petitioner submitted her application for the post of Graduate Teacher – Botany. She wrote the examination and secured 83 marks and along with the weightage mark, she secured 83.50 marks. The petitioner was coming under the category of MBC/DNC.

4.The petitioner was called for certificate verification and the petitioner produced all the original documents. The grievance of the petitioner is that the respondent published the ineligibility list dated 18.07.2024, wherein the name of the petitioner was added in Serial No.2. The reason assigned for the ineligibility on the part of the petitioner is that the petitioner had completed B.Ed only in August 2023 and whereas she had completed TET in February 2023. Aggrieved by the same, the present petition was filed before this Court.



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5. When the matter came up for hearing on 06.09.2024, this Court passed the following order:

Mr.R.Neelakandan, learned Additional Advocate General, Assisted by Mr.R.Siddharth, learned Standing counsel, takes notice for respondent.

2. The name of the petitioner has been shown in the list of ineligible candidates at Sl.No.2 on the ground that the petitioner had simultaneously completed B.Ed and TET.

3. The ground that has been raised by the learned counsel for the petitioner is that the TET that was conducted by the Teachers Recruitment Board had specifically provided that the candidate should possess a graduation with 50% marks and pass or appearing in the final year of Bachelor of Education. Hence, even though the petitioner had not completed the B.Ed and was doing B.Ed, since there was no bar in taking the TET, the petitioner wrote the TET examination and cleared it.

4. The ground that has now been put against the petitioner is that the petitioner has obtained more than one qualification simultaneously. On carefully reading the qualification criteria provided under the notification, it is seen that this disqualification will arise only where a candidate has obtained two or more required qualifications like SSLC, HSC, UG and B.Ed degree simultaneously. This disqualification does not seem to be applicable to TET since a candidate is eligible to take TET even during the final year of Bachelor of Education.

5. The learned Additional Advocate General shall take instructions. Post this case at the end of the motion list on 10.09.2024.



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6. When the matter was taken up for hearing today, the learned Additional Advocate General produced the written instructions received from the respondent. The specific ground that has been taken is that only those candidates who are in the final year of B.Ed alone can apply for writing the TET examination and whereas the petitioner had submitted her application during the first year itself in the year 2022 and therefore, the petitioner is ineligible since she did not satisfy the requirement under the Notification. The further ground that has been taken is that just because the petitioner was permitted to appear in TNTET, that will not automatically make the petitioner eligible when the very application made by the petitioner to write the TET is not in line with the Notification issued by the Teachers Recruitment Board. Accordingly, the respondent has sought for the dismissal of this writ petition.

7. Heard Mr.R.Prabakar, learned counsel for the petitioner and Mr.R.Neelakandan, learned Additional advocate General for the respondent.

9. The short issue that arises for consideration in the present writ petition is as to whether the petitioner has strictly complied with Clause 3(a) of the Tamil Nadu Teachers Eligibility Test 2022 Notification in order to consider the candidature of the petitioner to the post of Graduate Assistant (Botany).



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10.The relevant Clause in the TNTET 2022 Notification is extracted hereunder :

**3(a) Minimum Educational Qualification to write TNTET Paper-I (for classes I-V)**

**Graduation with atleast 50% marks and passed or appearing in final year of Bachelor of Education (B.Ed).**

11.The educational qualification as prescribed in the Notification dated 25.10.2023 is that the candidate should have completed graduation with atleast 50% marks, B.Ed and must have passed TNTET Paper-II with the relevant optional subject.

12.The ground that has been put against the petitioner is that the petitioner had applied for writing TNTET even when she was doing her first year B.Ed and as a result, the petitioner had completed TET in February 2023 and whereas she completed B.Ed course only in August 2023. Hence, it has been construed that the petitioner has obtained more than one qualification simultaneously.

13.The relevant Clause in the Notification of TNTET 2022 has already been extracted supra. It specifically states that the minimum educational qualification to write TNTET paper-I is that the candidate must have completed graduation with atleast 50% marks and should have passed or appearing in final year of B.Ed. Therefore, it is quite clear that even where the candidate is appearing in the final year of B.Ed, he/she is entitled to write the TNTET.



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14.The ground that has been raised against the petitioner is that the petitioner had submitted the application even while she was doing her first year B.Ed and therefore, she has not fulfilled the requirement under TNTET 2022 Notification. In other words, it is contended that only a candidate who is in the final year of B.Ed is entitled to apply and appear in the TNTET exam. Since the petitioner has applied even when she was undergoing in the first year B.Ed course and had actually appeared in TNTET when she was in the final year, the respondent has found her to be ineligible.

15.The educational qualification to write TNTET Paper-I must be understood in the plain language that has been used in the Notification. The Notification only states that the candidate while writing the TNTET should have either passed B.Ed or should be appearing in the final year of B.Ed. This Notification nowhere states that even the application should be made only during the final year of B.Ed. There is absolutely no insistence in the Notification that the application can be made only during the final year of B.Ed. Whereas, the insistence is only upon appearing in the final year of B.Ed.

16.In view of the above, the stand taken by the respondent to the effect that the petitioner had made her application when she was studying first year B.Ed and therefore she is ineligible, cannot be sustained.

17.In the considered view of this Court, the petitioner has fulfilled the requirement with respect to the completion of TNTET and since she wrote the



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examination even while she was appearing in final year of B.Ed, the results of TET has been published in February 2023, which is much earlier than the results published for B.Ed course subsequently in August 2023. That by itself, does not lead to the conclusion that the petitioner had obtained more than one qualification simultaneously.

18.In the result, adding the name of the petitioner in Serial No.2 of the ineligibility list is interfered and the same is hereby set aside. There shall be a direction to the 2<sup>nd</sup> respondent to consider the candidature of the respondent for the post of Graduate Teacher - Botany, if the petitioner has otherwise qualified and is within the zone of consideration.

19.This writ petition is allowed with the above directions No costs. Consequently, connected miscellaneous petitions are closed.

10.09.2024

Index : Yes/No  
Neutral Citation : Yes/No  
Speaking Order : Yes /No  
KP

To  
The Chairman  
Teachers Recruitment Board  
Represented by its Member Secretary  
4<sup>th</sup> Floor, DPI Campus  
College Road  
Chennai 600 006.



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**N.ANAND VENKATESH. J.,**  
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