



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.10.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.29849 of 2024
and W.M.P.Nos.32543 & 32544 of 2024

V.Rajeswari

... Petitioner

Vs.

Teachers Recruitment Board,
Rep. by its Secretary,
Puratchi Thalivar Dr.MGR Centenary Building,
Perasiriyar Anbazhagan Kalvi Valagam,
DPI Campus, College Road,
Chennai - 600 006.

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records of the respondent relating to the Ineligible List dated 23.08.2024 for the direct recruitment for the post of Graduate Assistant in the subject Tamil in which the name of the Petitioner has been included in Serial No.1 and quash the same and consequently issue a direction directing the Respondent to include the name of the petitioner in the Provisional Selection List dated 23.08.2024 for the post of BT Assistant in Tamil and give appointment to the petitioner as BT Assistant



Tamil pursuant to Notification No.03/2023 dated 25.10.2023 issued by the respondent.

For Petitioner : Mrs.N.Kavitha Rameshwar
For Respondents : Mr.C.Kathiravan
Additional Government Pleader

ORDER

This writ petition has been filed challenging the ineligible list dated 23.08.2024, issued by the respondent insofar including the name of the petitioner and for a consequential direction to the respondent to include the name of the petitioner in the provisional selection list dated 23.08.2024 for the post of B.T. Assistant in Tamil, pursuant to the notification issued by the respondent dated 25.10.2023.

2.Heard Mrs.N.Kavitha Rameshwar, learned counsel appearing on behalf of the petitioner and Mr.C.Kathiravan, learned Additional Government Pleader appearing on behalf of respondent.

3.The case of the petitioner is that the respondent issued a notification



dated 25.10.2023 calling for applications for direct recruitment to the post of Graduate Teachers/BRTE in School Education Department. The petitioner submitted the application for B.T. Assistant in Tamil. The petitioner secured 97 marks and the petitioner was called for certificate verification on 31.05.2024. The name of the petitioner was not included in the provisional selection list by virtue of the ineligible list dated 23.08.2024 on the ground that the petitioner did not acquire the minimum educational qualification as per Para 3(b) TNTET Notification dated 24.02.2017. Aggrieved by the same, the present writ petition has been filed before this Court.

4.The learned Standing Counsel appearing on behalf of the respondent has produced the position note from the respondent. The respondent has taken a stand that after the petitioner was called for certificate verification on 31.05.2024 and the documents were scrutinized, it came to light that the petitioner had obtained her B.Ed., degree much later after her TET Certificate. In other words the petitioner has completed the TET in the year 2017 and whereas, the B.Ed., was acquired only in the year 2018. In view of the same, the candidature of the petitioner was not considered, since it was not in line with



Para 3(b) of TNTET Notification dated 24.02.2017.

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5.This Court has carefully considered the submissions made on either side and also the materials available on record.

6.Para 3(b) of TNTET Notification dated 24.02.2017, states as follows:

“b. Candidates appearing for the Final Year Examination of B.Ed., during the current Academic Year (2016-2017) are also permitted to appear for Paper II in Teacher Eligibility Test. Such Candidates should successfully complete the course in the current Academic Year (2016-2017) itself and should produce B.Ed., Certificate during Certificate Verification; otherwise they shall not be considered for the current year Government recruitment process. However they will be issued with TET certificate after producing B.Ed., Degree Certificate”

7.It is quite clear from the above notification that a candidate is eligible to appear for TET even when that candidate is appearing for the final year



examination in B.Ed. In the instant case, the petitioner completed TET in the year 2017. However, there was arrears in one subject in B.Ed., which was completed only in the year 2018. Therefore, the respondent has taken a stand that the petitioner had completed B.Ed., only after completing TET and therefore, is not entitled to be considered for the selection.

8. The issue involved in the present writ petition is squarely covered by the earlier order passed by this Court in W.P.(MD)Nos.18386 to 18389 of 2024, dated 02.08.2024. The relevant portions are extracted hereunder:

8. The above clarification has been consequent to the order made by the Hon'ble Supreme Court in Civil Appeal No.5564/2019 (arose from S.L.P. (C).No.16698 of 2018 and it was disposed of on 16.07.2019. In fact, the subject matter of the above proceedings is the interpretation for the word "pursuing" adopted in similar such Notification issued by the State of Punjab. A doubt was raised by some of the candidates with regard to the word "Pursuing". While disposing of those litigations, the Hon'ble Supreme Court has given the following order:



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“Para 8.3 ... as per dictionary meaning, the word “Pursuing” means undergoing and / or proceeding further. Therefore, a candidate who has been admitted in any of the TTC and undergoing the teacher training course (TTC) can be said to be “Pursuing” such teacher training course and shall be eligible to appear in the TET examination, irrespective of the fact that whether, by the last date specified for filling up the online form for TET examination, he has, in fact, appeared in the examination of the concerned teacher training course and the result is awaited. “Pursuing” the requisite teacher training course is sufficient to make such a candidate eligible to appear in the TET examination. Therefore, on a fair reading of Clause 5(ii) of the NCTE guidelines, a person who has been admitted in TTC and is pursuing, he / she can appear in the TET examination”

.... Para 8.4.....Therefore, it is clear that the respective appellants herein whose appointments were challenged were eligible to appear in the TET examination at the time they were “Pursuing” the concerned TTC. Thus, we hold that the decision of



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the High Court, to the aforesaid extent, is not sustainable. The impugned orders of the High Court are accordingly modified to the aforesaid extent....”

9. The National Council for Teachers Education has accepted the clarity given by the Hon'ble Supreme Court in the above said order, wherein, it is clarified that 'pursuing' can only mean undergoing or proceeding further. So, it is further clarified that a limited interpretation that the candidate who is pursuing the requisite course should be in the final year examination, cannot be given. So a person who is undergoing the course can also appear in TET Examination. In similar lines, a clarification has been issued by NCTE to the Directorate of Education stating that the person who has been admitted in the training course and pursuing can appear in the TET Examination. When the National Council for Teacher Education itself has given the above clarification, to the terms of the Notification issued by the TRB, the Government of Tamil Nadu should also need to read it in the same spirit. Even by looking at the apparent terms under 3(b) of the Notification, seven educational requirements are contemplated. One of the criteria is graduation with at least 50% marks and pass or appearing in final year B.Ed., (Special Education) and another option is that any candidate having



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qualified B.Ed., programme recognized by the NCTE and they are eligible to appear for Tamil Nadu Teacher Eligibility Test (TET).

10. A special reference has been made about the above clarificatory note issued by the National Council to the Guidelines issued by the NCTE and it is stated that a person who is pursuing any of the Teacher Education course recognized by NCTE or the person who has been admitted in Teacher Training Course, as the case may be, is also qualified to appear in the TET examination. So, these petitioners, who have been undergoing the Teacher education course either by pursuing B.Ed., (Special Education) or any other B.Ed., programme (which is recognized by the NCTE) are also eligible to appear for TET

11. Even if the candidates who cannot fit themselves under the sixth eligibility stated in the Notification can find themselves fit under the 7th eligibility. These petitioners having themselves found in one of the eligibility criteria had appeared for TET examination and got it cleared. There is no dispute with regard to their TET pass. The only objection is that at the time when they appeared for TET they have been pursuing second year teacher education course and not in the final year.



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12. *The very purpose of giving a clarificatory note issued by the National Council for Teacher Education, dated 04.08.2022, only to allege the above said doubt and in which has been made very clear that the Hon'ble Supreme Court has held that the candidate should have pursued the Teacher Education Course irrespective of the year in which the candidates happened to appear for the TET Examination is eligible. The TRB has misconstrued its Notification and has interpreted the same without aid of the clarificatory note also given by the National Council for Teacher Education on 04.08.2022 and also the judgment given by the Hon'ble Supreme Court in Civil Appeal No.5564 of 2019 (arose from SLP (C) No.16698 of 2018 which was disposed of on 16.07.2019) and rejected these candidates on the premises that they were not in the final year of the Teacher education course when they appeared for TET.*

9. In the case in hand, the petitioner had earlier participated in the selection in the year 2017 and at that point of time, since the petitioner had an arrear in one of the subject in B.Ed., the petitioner was not able to produce the B.Ed., Certificate and the candidature was rejected. This decision taken by the respondent was perfectly in order, since the petitioner only had a TET Certificate



and did not have a B.Ed., Certificate. Thereafter, the petitioner has completed B.Ed., during May 2018.

10. When the petitioner attended the certificate verification, the petitioner had submitted all the certificates. The petitioner admittedly had completed the minimum educational qualification and had also completed B.Ed., and also had cleared TET. The fact that the petitioner had cleared TET in 2017 and B.Ed., in 2018 does not take away the right of the petitioner to participate in the selection. This is in view of the fact that the candidate is permitted to take TET examination even during the final year of B.Ed., degree. The issue has been discussed in detail in the judgment referred *supra*.

11. In the light of the above discussion, there is no reason to consider the petitioner ineligible and the candidature of the petitioner is not in violation of Para 3(b) of TNTET Notification dated 24.02.2017. Accordingly, the ineligible list dated 23.08.2024, is interfered insofar as adding the name of the petitioner in that list. In view of the same, there shall be a direction to the respondent to



include the name of the petitioner in the provisional selection list for the post of B.T. Assistant in Tamil and proceed further in accordance with law.

12.In the result, this writ petition stands allowed with the above directions. No Costs. Consequently, connected miscellaneous petitions are closed.

04.10.2024

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

To

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N. ANAND VENKATESH, J.

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