



W.P.No.30124 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2024

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.30124 of 2024

and W.M.P.Nos.32828, 32829, 32831 & 32834 of 2024

Saravanavalli

.. Petitioner

Vs.

1.The State of Tamil Nadu rep by,
The Principal Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.

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

3.The Member Secretary,
Tamil Nadu Teacher's Recruitment Board,
DPI Campus, College Road,
Chennai – 600 006.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records leading to the publication of provisional selection list to the post of Graduate Teacher (Tamil) on the basis of notification No.03/2023, dated 25.10.2023 published on 23.08.2024 by the 3rd respondent and quash the same in so far as the petitioner for her non selection.



W.P.No.30124 of 2024

For Petitioner : Mr.M.Kamalanathan
For RR 1 & 2 : Mrs.S.Mythreye Chandru
Special Government Pleader
For R3 : Mr.M.Alagu Goutham
Standing Counsel

ORDER

This writ petition has been filed challenging the provisional selection list published on 23.08.2024 by the 3rd respondent in so far as not including the name of the petitioner in the selection list pursuant to the Notification dated 25.10.2023.

2.The case of the petitioner is that the 3rd respondent issued a Notification dated 25.10.2023 for recruitment of teachers including Graduate Teacher (Tamil). According to the petitioner, she possessed all the qualifications and she was also called to write the written examination. The petitioner secured 86 marks in the written examination and after adding weightage marks, the petitioner secured a total of 91 marks. The further case of the petitioner is that she comes under the SC category and is also entitled for reservation in the sub-category as women. Thereby, the petitioner should have been placed in Sl.No.220 in



W.P.No.30124 of 2024

the provisional selection list. However, the name of the petitioner was not included in the provisional selection list. It is under these circumstances, the present writ petition came to be filed before this Court.

3. When the matter came up for hearing on 28.10.2024, the position note was filed by the Tamil Nadu Public Service Commission (TNPSC). It was stated that the petitioner did not fulfill the qualification prescribed under clause 6(b) of the Notification and the petitioner did not have the B.Ed qualification which was essential to consider the selection of the petitioner.

4. The learned counsel for the petitioner submitted that the petitioner has in fact completed the B.Ed and when she attempted to give the certificate at the time of certificate verification, the same was refused to be accepted. Therefore, a specific stand has been taken to the effect that the petitioner possesses all the essential qualifications prescribed under clause 6(b) of the Notification.

5. In the light of the above submission, this Court directed the



W.P.No.30124 of 2024

learned counsel for the petitioner to produce the B.Ed certificate issued in the name of the petitioner and accordingly directed the matter to be listed for hearing today.

6.When the matter was taken up for hearing today, the learned counsel for the petitioner produced the B.Ed degree certificate issued to the petitioner by the Tamil Nadu Teachers Education University, Chennai, dated 15.02.2018.

7.The learned Standing Counsel appearing for the Teachers Recruitment Board (TRB) submitted that the certificate that has been placed before this Court today was neither uploaded at the time of submitting the application nor was submitted at the time of certificate verification. What was actually uploaded by the petitioner and was produced at the time of certificate verification was the Tamil Pandit training certificate which cannot be considered on par with the B.Ed certificate.

8.On carefully considering the submissions made on either side and the materials available on record, the only issue to be considered is



W.P.No.30124 of 2024

as to whether the petitioner possess all the essential qualifications prescribed under the Notification.

9.The petitioner has completed the B.Ed. course and a degree certificate has also been issued by the concerned University on 15.02.2018. However, by the time, the petitioner completed the B.Ed course, the petitioner had already passed the TET. Therefore, since TET was completed before obtaining the B.Ed degree, the prevailing website will not accept the certificate and therefore, the petitioner cannot upload the B.Ed certificate. In the certificate verification, the petitioner will be allowed to produce only those certificates which were uploaded along with the application.

10.The issue regarding completing the TET before getting the B.Ed qualification was dealt with by this Court in W.P.No.29849 of 2024. By order dated 04.10.2024, the writ petition was allowed and the relevant portions are extracted hereunder:

“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



WEB COPY



W.P.No.30124 of 2024

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:

"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



WEB COPY



W.P.No.30124 of 2024

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 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



WEB COPY



W.P.No.30124 of 2024

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 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



WEB COPY



W.P.No.30124 of 2024

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.

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



WEB COPY



W.P.No.30124 of 2024

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



W.P.No.30124 of 2024

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.This Court has categorically held that the fact that the petitioner had cleared TET even before getting the B.Ed degree, 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 the TET examination even during the final year of B.Ed degree.

12.In the light of the above discussion, this Court holds that the petitioner possesses all the essential qualifications prescribed under the Notification. Hence, the petitioner must be permitted to submit the B.Ed degree certificate and the name of the petitioner must also be included in the provisional selection list for the post of Graduate Teacher (Tamil) and proceeded further in accordance with law.



W.P.No.30124 of 2024

13. Even if there are no vacancies as per the provisional selection list, which every candidate has secured lesser marks than the petitioner should be informed that his / her candidature cannot be considered, since the petitioner has secured more marks. Ultimately, the provisional selection list is only in the realm of selection and the real appointment is yet to take place. Therefore, the respondents can always resort to this procedure.

14. In the result, this Writ Petition stands allowed with the above directions. Consequently, the connected Miscellaneous Petitions are closed. No costs.

30.10.2024

krk

Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



WEB COPY



W.P.No.30124 of 2024

To

- 1.The State of Tamil Nadu rep by,
The Principal Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.
- 2.The Director of School Education,
School Education Department,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Member Secretary,
Tamil Nadu Teacher's Recruitment Board,
DPI Campus, College Road,
Chennai – 600 006.



WEB COPY



W.P.No.30124 of 2024

N.ANAND VENKATESH, J.

krk

W.P.No.30124 of 2024



WEB COPY



W.P.No.30124 of 2024

30.10.2024