



WEB COPY



W.P.No. 34699 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

CORAM

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

W.P.No. 34699 of 2023

G.Mahalakshmi

.... Petitioner

Vs

1. State of Tamil Nadu,
Represented by its Principal Secretary,
School Education Department,
Secretariat, Chennai – 9.

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

3. The Joint Director of School Education,
DPI Campus,
Chennai – 600 006.

4. Teachers Recruitment Board,
Represented by its Member Secretary,
3rd Floor, Puratchi Thalaivar Dr.MGR
Centenary Building,
DPI Campus, College Road,
Chennai – 600 006.

.... Respondents

Prayer :- Writ Petition filed under Article 226 of Constitution of India
for the issuance of Writ of declaration, to declare that the petitioner herein



W.P.No. 34699 of 2023

is entitled to be appointed as graduate teacher on the basis of TET marks and TET passed year seniority, having completed certificate verification 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 as stated in G.O.(Ms) No.149, dated 20.07.2018.

For Petitioner : Mr.K.Thilageswaran
For R1 to R3 : Mr.M.Rajendran
Additional Government Pleader
For R4 : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.R.Siddharth
Standing Counsel

ORDER

This Writ Petition has been filed for declaration declaring that the petitioner is entitled to be appointed as graduate teacher on the basis of TET without resorting to competitive examination as per G.O.Ms.No.149, School Education (TRB) Department, dated 20.07.2018.

2. Heard the learned counsel appearing on either side and perused the materials available on record.

3. Already G.O.Ms.No.149, School Education (TRB)



W.P.No. 34699 of 2023

Department, dated 20.07.2018, which ordered for competitive examination, has been challenged before this Court in W.P.No.161 of 2024. This Court, by an order dated 08.01.2024, dismissed the writ petition and upheld the Government order. The relevant portion of the order of this Court in W.P.No.161 of 2024, dated 08.01.2024 reads hereunder :

“11. There cannot be any prejudice caused to any of the candidates who passed TET for the reason that weightage marks are being given as per the notification issued by the TRB in notification No.3/2023, dated 25.10.2023. That apart, the Government had taken a policy decision to conduct separate competitive examination as early as in the year 2018. Therefore, challenging the impugned order of the year 2018 itself would amount to a 'stale claim', which is not entertainable, at this length of time, that too, after the notification was issued by the TRB dated 25.10.2023. Pursuant to the said notification, the applications were received till 30.11.2023 about more than 40000 and the competitive examination is scheduled to be held on 04.02.2024. A policy decision can only be challenged on the ground of illegality or contrary to law or any



W.P.No. 34699 of 2023

constitutional prohibition. In the case on hand, no ground of malafidness, unreasonableness or arbitrariness and overwhelming public interest is made out. It is settled law that the Courts can interfere only the decision making process is vitiated by malafides, unreasonableness or arbitrariness and overwhelming public interest.

13. Thus, it is clear that the State is competent to change the rules relating to a service and alter or amend and vary by addition/subtraction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Therefore, the mode of recruitment and the category from which the recruitment to a service should be made are all matters which are exclusively within the domain of the Executive. It is not for Judicial Bodies to sit in judgment over the wisdom of the Executive in choosing the mode of recruitment or the categories from which the recruitment should be made as they are matters of policy decision, falling exclusively within the purview of the Executive. Therefore, the Statutory authority is entitled to frame rules and lay down terms and conditions of service as also the qualifications



W.P.No. 34699 of 2023

essential for holding a particular post. If the action of the State is not bonafide or otherwise unfair, this Court can exercise its jurisdiction as prayed for. But neither any such plea was raised, nor was the same otherwise found to be existing. It is settled legal position that merely because a candidate is selected and kept in the waiting list, he or she does not acquire any absolute right to be appointed. It is open to the Government to make the appointment or not. As far as the petitioners are concerned, after qualifying in the TET, verification of the certificates were done. It does not confer any absolute right for them to join as a teacher.”

4. In view the above, this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.

08.07.2024

Internet : Yes
Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
Lpp



WEB COPY



W.P.No. 34699 of 2023

G.K.ILANTHIRAIYAN, J.

Lpp

To

1. The Principal Secretary,
School Education Department,
Secretariat, Chennai – 9.
2. The Director of School Education,
DPI Campus,
Chennai – 600 006.
3. The Joint Director of School Education,
DPI Campus,
Chennai – 600 006.
4. Teachers Recruitment Board,
Represented by its Member Secretary,
3rd Floor, Puratchi Thalaivar Dr.MGR
Centenary Building,
DPI Campus, College Road,
Chennai – 600 006.

W.P.No. 34699 of 2023

08.07.2024