



W.P.(MD).No.1163 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.02.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.1163 of 2024

Madhuranjani

... Petitioner

Vs.

1.The Director,
Teacher Recruitment Board,
Puratchi Thalaivar Dr.M.G.R.
Centenary Building,
3rd and 4th Floors, DPI Campus,
College Road,
Chennai.

2.The Director,
School Education Department,
Puratchi Thalaivar Dr.M.G.R.
Centenary Building,
3rd and 4th Floors, DPI Campus,
College Road,
Chennai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Mandamus, directing the respondents to



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adopt the procedure of G.O.Ms.No.181 School Education (C2) Department dated 15.11.2011 and permit the petitioner to participate in the forthcoming recruitment process without insisting to undergo competitive examination contemplated under G.O.Ms.No.149 School Education (C2) Department dated 20.07.2018, by considering petitioner's representation dated 20.11.2023.

For Petitioner : Mr.T.Lenin Kumar
For R-1 : Mr.VR.Shanmuganathan,
Standing Counsel
For R-2 : Mr.M.Sarangan,
Additional Government Pleader

ORDER

The present writ petition has been filed seeking direction to the respondents to adopt the procedure of G.O.Ms.No.181 School Education (C2) Department dated 15.11.2011 and permit the petitioner to participate in the forthcoming recruitment process without insisting to undergo competitive examination contemplated under G.O.Ms.No.149 School Education (C2) Department dated 20.07.2018, by considering the petitioner's representation dated 20.11.2023.



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2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

The Government vide G.O.Ms.No.181 dated 15.11.2011 issued by the School Education (C2) Department, mandated every aspirant of teaching profession to pass the Teacher Eligibility Test (TET). The petitioner appeared for TET that was conducted in August 2013 and passed the examination with qualifying marks. Thereafter, some persons who cleared the examinations were selected by the Teacher Recruitment Board / 1st respondent depending on the selection criteria and the available vacancies and were appointed as teachers in Government Schools. During the year 2013, the minimum cut off mark fixed by the 1st respondent was 65.41. Since the petitioner had secured only 63.48, she did not come under the zone of consideration. Thereafter, the G.O.Ms.No.149 dated 20.07.2018 came to be issued by the School Education Department. However, vide said G.O.Ms.No.149 another competitive examination came to be introduced among the candidates who have already cleared TET recruitment process. Hence, the petitioner made a representation dated 20.11.2023 to the respondents to adopt the procedure of G.O.Ms.No.181 dated 15.11.2011 for the petitioner's recruitment that is prior to the G.O.Ms.No.149 dated 20.07.2018



and allow the petitioner to participate in the forthcoming recruitment process.

Since the same was not considered, the present writ petition came to be filed.

3. The learned Counsel appearing for the petitioner submitted that only on the basis of G.O.Ms.No.149 School Education (C2) Department dated 20.07.2018 examination among the candidates who have already cleared TET examination came to be introduced. The G.O.Ms.No.149 School Education (C2) Department dated 20.07.2018 had shattered the dreams of the aspirants who have qualified in the Teacher Eligibility Test and introduction of a new qualifying examination, despite having qualified in Teacher Eligibility Test would disqualify many of the aspirants who had already passed. In view of the same, he pressed for allowing the writ petition.

4. Per contra, the learned Standing Counsel appearing for the 1st respondent filed a counter and the learned Additional Government Pleader appearing for the 2nd respondent vehemently submitted that there are nearly 6000 candidates already qualified in the Teacher Eligibility Test. However, the available vacancies are meagre. In view of the same, all the 6000 candidates



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cannot be allowed to keep waiting endlessly by giving a vague hope of getting a job. Hence, G.O.Ms.No.149 School Education (C2) Department dated 20.07.2018 came to be introduced, by which another qualifying exam among the candidates who have already cleared TET recruitment process is introduced and hence, the claim of the petitioner cannot be considered. He further contended that it is the policy decision of the Government for having introduced the said G.O.Ms.No.149, School Education (C2) Department dated 20.07.2018 to allow only those candidates who have already passed in the Teacher Eligibility Test to participate in the competitive examination as contemplated under the said G.O. Hence, the same cannot be interfered and he pressed for dismissal of the writ petition.

4. Heard, the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the 1st respondent and the learned Additional Government Pleader appearing for the 2nd respondent. Carefully perused the materials available on record.



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5. Policy decisions of the State are not to be disturbed with unless they are found to be grossly arbitrary or irrational. In the the instant lis, the State Government has introduced a qualifying examination among TET qualified candidates for recruitment of teachers, for the betterment of School Education, by selecting more meritorious candidates. This Court cannot usurp the jurisdiction of decision makers in the garb of judicial review.

6. In view of the same, this Court is of the considered view that the policy of the Government could not be interfered with. Accordingly, I hereby dismiss the writ petition. No costs.

19.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml



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L.VICTORIA GOWRI, J.

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