



WP(MD) No.2085 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **17.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.2085 of 2024

and

W.M.P(MD)No.2090 of 2024

T.Balakrishnan

... Petitioner

Vs.

1.Department of School Education,
Government of Tamil Nadu,
Rep by its Secretary,
Namakkal Kavignar Maaligai,
Fort. St. George, Chennai - 9.

2.The Teachers Recruitment Board,
Rep by its Secretary,
Puratchi Thalaivar Dr.M.G.R. Centenary Building,
3rd and 4th Floors, DPI Campus,
College Road, Chennai – 600 006.

...Respondents



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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 consider the claim of the petitioner for appointment as Graduate Teachers / Block Resource Teacher Educators (BRTE) in Tamil for special children and on the basis of the representation dated 03.01.2024.

For Petitioner : Mr.S.Venkatesh

For Respondents : Mr.T.Amjadkhan – for R1

Government Advocate

Mr.V.R.Shanmuganathan – for R2

ORDER

The present writ petition has been filed seeking a Writ of Mandamus directing the respondents to consider the claim of the petitioner for appointing him as Graduate Teachers / Block Resource Teacher Educators (BRTE) in Tamil for special children and on the basis of the representation, dated 03.01.2024.



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2. Heard Mr.S.Venkatesh learned counsel for the petitioner, Mr.T.Amjadkhan, learned Government Advocate for the first respondent and Mr.V.R.Shanmuganathan, learned counsel for the second respondent.

3. The petitioner had applied in response to the Notification No.3/2023, dated 25.10.2023 issued by the second respondent to fill up the post of Graduate Teachers / Block Resource Teacher Educators (BRTE) in Tamil for special children.

4. The grievance of the petitioner is that he has the required qualification to apply for the post of vacancies available under the Directorate of School Education as well as the Directorate of the Welfare of the Differently Abled. He submitted that the petitioner has got B.A. Tamil Degree and he has also acquired general B.Ed., Degree and also got a special B.Ed., Degree which would qualify him to apply for the post available under the



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Directorate of Welfare of Differently Abled -(Deaf and Blind). The applications are invited to be submitted through Online mode. The petitioner submitted that when he was trying to upload his special B.Ed., Degree in order to enable him to complete to the post available in the Directorate of Welfare of Differently Abled, he could not upload the special B.Ed., Degree, but he could only upload his general B.Ed., Degree which would qualify him to apply to the posts available under the other categories.

5. The learned counsel for the petitioner submitted that probable reason which disallowed the petitioner to upload his B.Ed., Special Degree is because, he had secured the special B.Ed., subsequent to his qualification in TET. Since his general B.Ed. was obtained prior to his TET clearance, he could upload that easily. However, the petitioner found it difficulty to upload B.Ed., special Degree. The rule does not say whether the candidate has to get his B.Ed., prior to the TET clearance.



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6. However, the learned counsel for the respondents submitted that for a candidate to appear for TET qualification test itself, they are expected to get a B.Ed. Degree and hence, it goes without saying that the acquisition of B.Ed., Degree should be prior to the acquisition of TET clearance. In the case in hand, the petitioner has got the B.Ed., general and by using the same he had cleared TET test.

7. He acquired the subsequent B.Ed., (special) with the idea to compete those posts which might be available under the Directorate of Welfare of Differently Abled Department. When a person has got the basic B.Ed., Degree to enable him to compete to the TET examination, his subsequent acquisition of another B.Ed., (Special) Degree is possible.

8. In the absence of any restriction for the candidates to acquire B.Ed., (Special) subsequent to their qualification in TET



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with B.Ed., (General), the online system could have been compatible to enable the candidature to upload all their B.Ed., (certificates) for all the posts classified for which they applied. Unfortunately, the petitioner does not have any proof in the form of screen shot or all other things to show that he is not able to upload his B.Ed., special degree.

9. However, the respondent Department is aware of their software system through which the candidates submit their online application. If the software adopted is not compatible enough to admit the uploading the certificates of the candidates to upload their B.Ed., special certificates which they had acquired subsequent to their TET clearance, it is fair for the respondents to consider the representation of the petitioner and receive a hard copy of the petitioner's special (B.Ed.), in case, the petitioner had applied for the posts under categories 1, 3 and 4.



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10. With the above direction, this writ petition is **disposed of**. No costs. Consequently, connected miscellaneous petition is closed.

17.04.2024

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

RM



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To

- 1.The Secretary,
Department of School Education,
Government of Tamil Nadu,
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Chennai - 9.
- 2.The Teachers Recruitment Board,
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R.N.MANJULA, J.

RM

Order made in
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