



W.A.(MD) No.269 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM

JUSTICE N. SESHASAYEE

and

JUSTICE P.VADAMALAI

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and

C.M.P.(MD).No.1914 of 2020

S.Latha,
B.T.Assistant (English),
D.D. Vinayagar Higher Secondary School,
Ramanathapuram,
Ramanathapuram District. ... Appellant / Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Secretariat,
Chennai-9.
- 2.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Maligai,
College Road, Chennai-6. ... Respondents / Respondents



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Prayer: Appeal filed under Clause 15 of Letters Patent Act to set aside the order dated 22.07.2019 passed by the learned Judge in W.P.(MD).No.11731 of 2014 and allow the Writ Appeal.

For Appellant	:	Mr.Ajmal Khan, for M/s.Ajmal Associates
For R-1	:	Mr.D.Sadiq Raja, Additional Government Pleader
For R-2	:	Mr.VR.Shanmuganathan

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

This Writ Appeal is preferred by a candidate challenging an order of the second respondent rejecting the petitioner's prayer for issuance of certificate passing Teachers Eligibility Test.

2. The minimum facts required are:

- a) In March - April 1992, the appellant passed her SSLC. The very next year, in March - April 1993, she passed her two years higher secondary course as a private candidate. Thereafter, she pursued her B.A. Degree in English in 2008, passed her B.Ed., Degree in 2010 and obtained her



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M.A. Degree in English in 2012. she was even appointed as a Teacher in a private aided School from 03.10.2012.

b) Now come to the Teachers Eligibility Test, which came to be introduced under the New Education Policy. According to the appellant, in 2013, she passed TET and scored the requisite marks well over the cut off marks prescribed and her certificates came to be verified on 23.01.2014. However, she was not given the certificate of passing Teachers Eligibility Test and hence, she moved the second respondent for the same. She was served with proceedings, wherein it is stated that inasmuch as the appellant had passed her +2 course in one year time since she had passed her SSLC, she is not eligible.

c) This proceeding of the second respondent was put to challenge before the learned Single Judge in W.P.(MD).No.11731 of 2014. The learned Single Judge however was not impressed with the contention of the appellant, since in terms of the qualification criteria prescribed under the Rule 3 (b), a candidate should have passed 10+2+3 curriculum. This order of the learned Single Judge is now under challenge.



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3. Heard Mr.Ajmal Khan, learned Counsel appearing for the appellant.

Learned Senior Counsel submitted that earlier, the first respondent had issued G.O.(Ms).No.1171, Education (VI) Department, dated 27.11.1992, whereunder, it amended that the gap between passing of the SSLC and +2 examination must be two years, but, had underscored that it would come into force from March - April 1993. Later, this was amended by the Government vide communication dated 23.12.1992, wherein, it is stated that two years gap between the SSLC and +2 will come into effect from September - October 1993. Now, inasmuch as the appellant had passed +2 examination in March-April 1993, two years criteria will not apply and hence, her candidature should have been accepted.

4. Per contra, Mr.VR.Shanmuganathan, learned counsel for the second respondent submitted that TET has its own eligibility criteria formulated by the Government and it requires 10+2+3 curriculum. It may be that the appellant acquired +2 might not be a bar in law at the time when she obtained it, but what is significant here is that if she has to sit for TET examination, then, should have satisfactorily completed 10+2+3 curriculum.



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5. On appreciating rival submissions, this Court considers that if at all the appellant feels aggrieved, then, she should have challenged the very Rule 3(b) which prescribes the eligibility criteria for candidates sitting for TET. As rightly contended by the learned counsel appearing for the second respondent, it may be that the appellant's +2 qualification cannot be faulted, but, for the purposes of TET, the same has not been recognized. This Court therefore cannot alter the eligibility criteria in a notification collaterally in the proceedings not intended for the purpose.

6. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

(N.S.S., J.)

(P.V.M., J.)

08.07.2024

NCC : Yes/No

Index : Yes/No

Internet : Yes

TSG

To

The Secretary to Government,

State of Tamil Nadu,

School Education Department, Secretariat, Chennai-9.



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and
P.VADAMALAI, J.

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