



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Friday, the Twenty Second day of September Two Thousand Seventeen

PRESENT

The Hon`ble Mr.Justice T.RAJA

WP(MD) Nos.18123 and 18124 of 2017
and

WMP(MD)Nos.14581 & 14582 and 14584 & 14585 of 2017

V.SUNDARI, ... PETITIONER IN WP(MD)Nos.18123/17 &
WMP(MD)Nos.14581 & 14582/17

G.REVATHI ... PETITIONER IN WP(MD)Nos.18124/17 &
WMP(MD)Nos.14584 & 14585/17

Vs

1 THE PRINCIPAL SECRETARY/
THE STATE PROJECT DIRECTOR,
SARVA SHIKSH ABIYAN(SSA), CHENNAI-06

2 THE ADDITIONAL CHIEF
EDUCATIONAL OFFICER(SSA),
VIRUDHUNAGAR, VIRUDHUNAGAR DISTRICT.

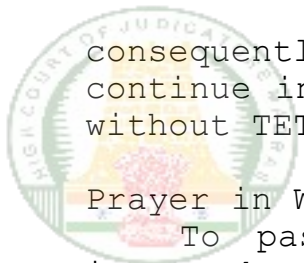
3 THE SECRETARY,
SURABHI TRUST, 1-1-591/2&3, RAJ NAGAR,
KARIAPATTI- 626106,
VIRUDHUNAGAR DISTRICT.

... RESPONDENTS IN ALL THE PETITIONS

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned advertisement published in the Tamil daily Dhinamalar on 04.09.2017 on the file of the respondent No.3 and quash the same as illegal and consequently to direct the respondents to permit the petitioner to continue in service as BT Assistant (Maths) up to 31st March 2019 without TET enabling the petitioner to acquire TET.

Prayer in WP(MD). 18124/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned advertisement published in the Tamil daily Dhinamalar on 04.09.2017 on the file of the respondent No.3 and quash the same as illegal and



consequently to direct the respondents to permit the petitioner to continue in service as BT Assistant (Science) up to 31st March 2019 without TET enabling the petitioner to acquire TET.

Prayer in WMP(MD). 14581/ 2017 :

To pass an order of Interim Stay of the operation of the impugned advertisement published in the Tamil daily Dhinamalar on 04.09.2017 on the file of the respondent No.3 pending disposal of the instant WP and thus render justice.

Prayer in WMP(MD). 14582/ 2017 :

To pass an order of Interim Injunction restraining the respondents No.2 and 3 from terminating the services of the petitioner for want of a pass in Teacher Eligibility Test(TET) pending disposal of the instant WP and thus render justice.

Prayer in WMP(MD). 14584/ 2017 :

To pass an order of Interim Stay of the operation of the impugned advertisement published in the Tamil daily Dhinamalar on 04.09.2017 on the file of the respondent No.3 pending disposal of the instant Writ Petition.

Prayer in WMP(MD). 14585/ 2017 :

To pass an order of Interim Injunction restraining the respondents No.2 and 3 from terminating the services of the petitioner for want of a pass in Teacher Eligibility Test(TET) pending disposal of the instant Writ Petition.

ORDER : These petitions coming on for orders upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of M/S.T.LAJAPATHI ROY, Advocate for the petitioner in all the petitions and of MR.R.KARTHIKEYAN, Additional Government Pleader for R1 & R2, in all the petitions, the court made the following order:-

The petitioners were appointed on 04.07.2011 and 01.12.2015 respectively, and are in continuous service as B.T. Assistant (Mathematics) and B.T. Assistant (Science) respectively, till date. However, the respondent Management is making attempts to fill up the petitioners post on the ground that the petitioners have not passed the Teachers Eligibility Test (TET), which is not required for the 2010 appointees. Moreover, it is submitted that the Central Government has passed a Bill, in which the time for passing the TET examination has been extended till 31.03.2019. Therefore, the respondents cannot compel the petitioners to take up the TET examination.

2.In similar circumstances, this Court has passed an order stating that all the teachers are given time till 31.03.2019 to acquire the TET qualification. Hence, in the present case, the respondents cannot dislodge the petitioners and fill up the vacancy. Accordingly, the respondents are directed not to take any adverse effect against the petitioners till the aforementioned time limit expires.



3.The Registry is directed to list the matter after four weeks for filing counter.

sd/-
22/09/2017

WEB COPY

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE PRINCIPAL SECRETARY/
THE STATE PROJECT DIRECTOR,
SARVA SHIKSH ABIYAN(SSA), CHENNAI-06
- 2 THE ADDITIONAL CHIEF
EDUCATIONAL OFFICER(SSA), VIRUDHUNAGAR,
VIRUDHUNAGAR DISTRICT.
- 3 THE SECRETARY,
SURABHI TRUST, 1-1-591/2&3, RAJ NAGAR,
KARIAPATTI- 626106,
VIRUDHUNAGAR DISTRICT.

+2. C.C. to M/S.T.LAJAPATHI ROY Advocate SR.No.31541

ORDER
IN
WP(MD) Nos.18123 and 18124 of 2017
and WMP(MD)Nos.14581 & 14582 and
14584 & 14585 of 2017
Date :22/09/2017

SMA/PM-PN/SAR-4/23.10.2017:3P/6C