



W.P.(MD)No.14106 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.14106 of 2024

and

W.M.P(MD)No.12384 of 2024

Stalin Jonah Nava John

... Petitioner

vs.

1.The Secretary to Government,
School Education Department,
State of Tamil Nadu,
Secretariat, St.Fort George,
Chennai-9.

2.The Director of School Education,
College Road, Chennai-6.

3.The Chief Educational Officer (Secondary),
Thoothukudi.

4.The Correspondent,
St.Mark's Higher Secondary School,
Mukuperi,
Thoothukudi District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 3rd respondent in his proceedings in Pa.Ve.No. 5249/A1/2023 dated 20.06.2024 and quash the same as illegal and consequent direction may be issued to the respondents



to approve the promotion of the petitioner as BT Assistant (Tamil) from the post of Lab Assistant from 19.10.2023 and to disburse the service and monetary benefits along with arrears within a time stipulated by this Court.

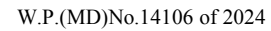
For Petitioner : Mr.T.Augustine Ebenezer
For R1 to R3 : Mr.T.Amjadkhan
Government Advocate

ORDER

Heard Mr.T.Augstine Ebenezer, learned counsel for the petitioner and Mr.T.Amjadkhan, learned Government Advocate for the respondents 1 to 3.

2. The petitioner has filed this petition to quash the order of the third respondent in his proceedings in Pa.Ve.No. 5249/A1/2023 dated 20.06.2024 as illegal and consequently to direct the respondents to approve the promotion of the petitioner as BT Assistant (Tamil) from the post of Lab Assistant from 19.10.2023 and to disburse the service and monetary benefits along with arrears within a time stipulated by this Court.

3. The petitioner was promoted and appointed him to the post of B.T.Assistant in the vacancy arising due to the transfer of the incumbent at the fourth respondent School. The fourth respondent School had



<https://www.mhc.tn.gov.in/judis>
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*direct recruitment or promotion from the post of Secondary Grade Teacher, or transfer, must necessarily possess TET. ***The principles laid down in this judgment will not have application to minority schools, both aided and unaided as explained in paragraph no.71.1.***

(d) The Special Rules for the Tamil Nadu School Educational Subordinate Service issued in GO (Ms.) No.13 School Education (S.E3(1)) Department dated 30.01.2020 insofar as it prescribes “a pass in Teacher Eligibility Test (TET)” only for direct recruitment for the post of BT Assistant and not for promotion thereto in Annexure-I (referred to in Rule 6) is struck down, thereby meaning that TET is mandatory/essential eligibility criterion for appointment to the post of BT Assistant even by promotion from Secondary Grade Teachers.

(e) The language employed in G.O. (Ms) No. 181 dated 15.11.2011 is to be read and understood to the effect that for continuance in service without promotional prospects, TET is not mandatory."

4. However, the petitioner claims that the rule mandating pass in Teacher Eligibility Test will not be applicable to the Minority Aided and non-Aided Schools and the approval on that ground cannot be rejected.



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5. Mr.T.Amjadkhan, learned Government Advocate appearing for the respondents submitted that the Government Order in G.O.Ms.12, School Education (EE1(1)) dated 30.01.2020 has come into force even before the appointment and Teacher Eligibility Test is a part of the said Government Order and hence, any person appointed subsequent to the Government Order ought to have qualified in Teacher Eligibility Test.

6. However, it is learnt that the issue is pending before the Hon'ble Supreme Court in S.L.P.(Diary)No.43850 of 2023 and the outcome of the said petition would have an impact upon the similar such appointments made. Therefore, the petitioner shall file a fresh writ petition, if so advised, depending upon the outcome of the Special Leave Petition pending before the Hon'ble Supreme Court in S.L.P.(C)No.21178 of 2023.

7. With the above observation, this writ petition is **disposed of**.
No costs. Consequently, connected Miscellaneous Petition is closed.

01.07.2024

NCC: Yes/No
Index : Yes/No



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Speaking/Non-Speaking order
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R.N.MANJULA, J.

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To

- 1.The Secretary to Government,
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