



WP(MD) No.17439 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.17439 of 2024

and

W.M.P(MD)Nos.15069 to 15073 of 2024

1. S.Karthik
2. N.Devi
3. N.Sangeetha
4. R.Soundararajan
5. A.Vembu
6. M.Arunkumar
7. R.Sangeetha
8. M.Prakash
9. T.Neelambal
10. M.Bharathi
11. R.Rajamanickam
12. M.Silambarasan
13. R.Kumar
14. K.Sudhakar
15. V.Saravanan
16. R.Suji

... Petitioners

Vs.



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1. The Principal Secretary to Government,
Government of Tamilnadu,
Secretariat,
Fort St.George,
Chennai-600 009.

2. The Principal Secretary to Government,
Adi Dravidar and Tribal Welfare Department,
Secretariat,
Chennai- 6000009.

3. The Director of Adi Dravidar and Tribal Welfare Department,
O/o.the Adi Dravidar and Tribal Welfare Department,
Chepauk,
Chennai-600 005.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Order in Na.Ka.No.Pa.ME/EE1/4949/2024 dated 25.06.2024 and subsequently the consequential Order in Na.Ka.No.Pa.ME/EE1/4949/2024 dated 01.07.2024 issued by the 3rd Respondent and quash the same as illegal and consequentially direct the Respondents 1 to 3 to permit the



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Petitioners to continue their service in accordance with the directions outlined in G.O.No.9 (Aa Thi.Na 7) dt.25.01.2017 issued by the 1st Respondent by which the Petitioners were originally appointed.

For Petitioners : Mr.G.Anto Prince
For Respondents : Mr.N.Ramesh Arumugam
Government Advocate

ORDER

The present writ petition has been filed seeking a Writ of Certiorarified Mandamus, to quash the Impugned Order dated 25.06.2024 and the consequential Order dated 01.07.2024 of the 3rd Respondent and consequentially, to direct the Respondents 1 to 3 to permit the Petitioners to continue their service in accordance with the directions outlined in G.O.No.9 (Aa Thi.Na 7) dt.25.01.2017 issued by the 1st Respondent by which the Petitioners were originally appointed.

2. Heard Mr.G.Anto Prince, learned counsel appearing for the petitioners and Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents.



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3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioners have filed this writ petition challenging the order, dated 01.07.2024 which mandates pass in TET as eligibility even for appointing temporary teachers.

5. The petitioners, who have been temporarily appointed, have raised a claim on the basis of G.O.(Ms)No.9, dated 25.01.2017. The above Government Order would speak about the engagement of Secondary Grade / BT Assistant/PG Assistant Teachers on contractual basis on consolidated pay. The petitioners claim that the said Government Order does not prescribe any TET pass as mandatory and hence, the Government cannot come with a new rule. The above Government Order itself would state that the above order is only for the purpose of contractual employment and on consolidated pay and the petitioners' services have been renewed as per the discretion of the Government from time to time.



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6. As on today, the petitioners' contract was not renewed and the petitioners were not given with continuous engagement. If the Government has taken a stand that even for employment of temporary teachers or contractual teachers on consolidated pay/regular pay, TET eligibility is required it will be the policy of the Government. Hence, neither the petitioners nor any one who is out of service can question the same. The writ petition itself is filed on misconception that the petitioners have derived some right to challenge the rules of recruitment, in view of their earlier contractual appointment on consolidated pay.

7. Hence, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

29.07.2024

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



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Chennai-600 009.
2. The Principal Secretary to Government,
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3. The Director of Adi Dravidar and Tribal Welfare Department,
O/o.the Adi Dravidar and Tribal Welfare Department,
Chepauk,
Chennai-600 005.



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R.N.MANJULA, J.

RM

Order made in
W.P.(MD)No.17439 of 2024
(2/2)

29.07.2024