



W.P.(MD).No.18378 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2024

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THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD).No.18378 of 2024
and WMP(MD) Nos.15640 to 15642 of 2024

G.Amutha Priya

... Petitioner

Vs

1. The Secretary to Government,
School Education Department,
Government of Tamil Nadu,
Fort St. George, Chennai-600 009.

2. The Chairman,
Teachers Recruitment Board,
Chennai-600 006.

3. The Director of School Educa,
Tion, Office of the Director of School Education,
Chennai-600 006.

4. The Director of Elementary Education,
Chennai-600 006.

... 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 relating to the impugned notification No.01/2024, dated 09.02.2024 of



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2nd respondent, quash the same and consequently direct the respondents to consider the petitioner herein for appointment to any one of the existing vacancies of secondary grade teacher as per TET Certificate issued to the petitioner in August 2013.

For Petitioner : Mr.K.Appadurai – Counsel

For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

Heard Mr.K.Appadurai, learned Counsel for the petitioner and Mr.M.Siddharthan, learned Additional Government Pleader, for the respondents.

2.This writ petition has been filed challenging the impugned notification No.01/2024, dated 09.02.2024 of the 2nd respondent and consequently to direct the respondents to consider the petitioner for appointment to any one of the existing vacancies of secondary grade teacher as per TET Certificate issued to the petitioner in August 2013.

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



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4. The petitioner completed TET examination during against 2013.

During the relevant point of time, the Government had adopted the policy to Secondary Grade Teacher if they have TET passed and thereafter, the Government has changed the policy and issued G.O.(Ms)No.149, dated 20.07.2018 to conduct competitive examination through Teachers Recruitment Board. However, similarly placed persons nearly 400 in numbers had approached this Court in W.P.Nos.26084 of 2023 etc., batch and sought for the intervention of the Court with regard to the change in the policy of the Government and to consider their appointments. The petitioner claims that she is also similarly placed persons who have been called upon for certificate verification and hence, the benefit of the order should also be extended to the petitioner as well.

5. The learned Additional Government Pleader submitted that in the order, dated 10.07.2024 of the Division Bench, it has been categorically held that the relief granted in the above writ petitions is applicable only for those persons, who have knocked the doors of the Court and not for the fence



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sitters, who have been just watching the proceedings. The relevant part of the order is extracted as under :

“36. In view of the above discussion and findings, we are of the considered opinion that the writ petitioner are entitled to the reliefs sought herein. However, as stated earlier, this order is only restricted to these petitioner alone.

37. The petition in WMP No. 7353 of 2024 in W.P. No. 26133 of 2023, has been filed to implead the petitioner therein in the writ petition mentioned hereinabove, without stating in what capacity they seek to be impleaded, while making stray averments that they are similarly placed as the petitioner. Also, the said petition has been filed after the arguments were completed in the writ petitions and the counsel for the impleading petitioner was not able to answer any of the queries raised by this Court. Therefore, we are of the view that the impleading petition is thoroughly misconceived in law and the same deserves to be dismissed with exemplary costs. However, we refrain from imposing any costs. As such, this miscellaneous petition is dismissed.

38. In the result, all the writ petitions are allowed with a direction to the State Government to continue the process of appointment left midway in 2017, insofar as the petitioner are concerned and appoint them as Secondary Grade Teachers, or Graduate Assistants as the case may be, as expeditiously as possible, without causing any further delay, if they are otherwise eligible for appointment as per the eligibility criteria laid down by the NCTE, and to appoint them as teachers depending on their respective merit/ranking as per the weightage method and their



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TET scores, applying the rule of reservation accordingly. As these writ petitions were filed well before the recruitment notification dated 25.10.2023, number of vacancies already advertised in the said recruitment notification or the present number of vacancies shall not be cited as a reason for not giving effect to the direction stated above.

WMP No.7353 of 2024 is dismissed. WMP No. 35331 of 2023 is closed. No costs.”

6. For those persons who have conducted the writ proceedings are given with the relief that they are entitled to get appointment without taking the further risk of participating in the competitive examination in response to any future notification, if they are otherwise found to be eligible.

7. The learned counsel for the petitioner submitted that the right affected by the petitioner is the fundamental rights and hence, the same cannot be restricted by the order of this Court and hence, the petitioner is also entitled to get the similar relief.

8. So far as the relief granted in the above writ petition is concerned, it is not a right in *rem* by holding any decision as to the policy of the



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Government or by rendering the policy of the Government itself is not legal or short sighted.

9. The relief has been granted only by considering the fervent request of those persons, who have been fighting in the corridors of the Court by watching the developments every now and then and the relief is also granted to the person specific and not policy specific.

10. In such a case, the petitioner cannot claim that the relief granted in the above writ petition is extendable to herself, by claiming that it is a right in *rem*.

11. It is needless to state that the above order has also made a distinction between the right in *rem* and right in *personam*, while dealing with the above writ petition and concluded that it is a right in *personam* granted to the petitioners therein. In fact, it is also brought to the notice of this Court that some of the petitioners, who have subsequently filed petitions to implead themselves in the pending writ petitions have also not been allowed to implead themselves and their petitions were rejected. In such a case, the petitioner



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cannot seek a fresh cause of action on the matters which has been already settled. In fact, the petitioner can have a better right if at all she thinks that she has a right and that can be done only by way of filing a writ appeal by seeking permission and then settled her right.

12. With the above observations, this writ petition is dismissed.

No costs. Consequently, connected miscellaneous petitions are closed.

02.08.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

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Fort St. George, Chennai-600 009.

2. The Chairman,
Teachers Recruitment Board, Chennai-600 006.

3. The Director of School Educa,
Tion, Office of the Director of School Education,
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R.N.MANJULA, J.

PNM

**ORDER IN
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