



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.10.2024

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.24598 of 2024

and

W.M.P(MD)No.20941 of 2024

M.Gowthami

... Petitioner

Vs

1.The State of Tamil Nadu
Represented by its Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai – 600 009.

2.The Director of School Education,
DPI Campus,
College Road,
Chennai – 600 009.

3.The Joint Director of School Education(Personal),
DPI Campus,
College Road,
Chennai – 600 009.

4.Teachers Recruitment Board,
Represented by its Member Secretary,
DPI Campus,
College Road,
Chennai – 600 009.

... Respondents



PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to appoint the petitioner as Graduate Teacher Secondary Grade/BT Assistant on the basis of TET Marks and TET passed year Seniority (Certificate Verification No.CV19757, Roll Number 13TE44100786) and having completed certificate verification on 20.03.2014 before 20.07.2018 i.e the date of passing of G.O.(Ms) No.149 of School Education Department, dated 20.07.2018 without resorting to any competitive examination as stated in G.O.(Ms) No.149, dated 20.07.2018 as per the order passed in WP.No.2608 of 2023 and batch cases dated 10.07.2024 on the file of the Madras High Court and pass such further or other orders as this Court.

For Petitioner : M/s.C.Sundaravadivel

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R1 to R3

ORDER

The instant writ petition has been filed by an aspirant to the post of BT Assistant, seeking a mandamus to appoint the petitioner as Graduate Teacher/BT Assistant on the basis of TET examination marks without resorting to any competitive examination as stated in G.O.Ms.No.149, dated 20.07.2018.



2.A similar request was made by 400 aspirants in W.P.(MD)Nos.26084, 26133, 27571, 27807, 28291, 32081, 32218, 32698 and 35350 of 2023. The said issue was resolved by the Hon'ble Division Bench on 10.07.2024. So many aspirants had also sought to implead themselves in the said writ petition. The Hon'ble Division Bench in paragraph Nos.36 to 38 has held as follows:

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

37.The petition in WMP No.7353 of 2024 in W.P.No.26133 of 2023, has been filed to implead the petitioners 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 petitioners. Also, the said petition has been filed after the arguments were completed in the writ petitions and the counsel for the impleading petitioners was not able to answer any of the queries raised by this Court. Therefore, we are of the view that the impleading petition is throughly 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



WEB COPY

appointment left midway in 2017, insofar as the petitioners 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 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.

3. In view of the categorical findings of the Hon'ble Division Bench, the present writ petition by a fence-sitter is not maintainable.

4. With the above said observations, this writ petition stands dismissed.

No costs. Consequently, connected miscellaneous petition is also closed.

19.10.2024

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR



WEB COPY

To

1.The Principal Secretary to Government,
School Education Department,
Fort St. George, Chennai – 600 009.

2.The Director of School Education,
DPI Campus,
College Road,
Chennai – 600 009.

3.The Joint Director of School Education(Personal),
DPI Campus,
College Road,
Chennai – 600 009.



WEB COPY



R.VIJAYAKUMAR, J.

RJR

W.P.(MD)No.24598 of 2024

19.10.2024