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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.22329 of 2024

M.Amllu Shobitha Sri

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. By its Principal Secretary to Government,
School Education Department,
Secretariat, Chennai – 600 009.

2.The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.

3.Teachers Recruitment Board(TRB),
Rep.by its Member Secretary,
4th Floor, DPI Campus, College Road,
Chennai – 600 006.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a writ of Declaration, to declare the petitioner eligible to be appointed as B.T. Assistant based on the Seniority of the petitioner based on the Marks awarded to the petitioner in Teachers Eligibility Test (TET) in August, 2013 conducted by the 3rd respondent in Roll No.13TE10101150 without subjecting the petitioner to any competitive Examination as enumerated in G.O.Ms.No. 149, School Education (TRB) Department dated 20.07.2018 by the 3rd respondent.



For Petitioner : Mr.A.Arputharaj
For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R1 & R2
Mr.V.R.Shanmuganathan
Standing Counsel for R3

ORDER

The instant writ petition has been filed by an aspirant to the post of BT Assistant, seeking a declaration to declare that the petitioner is eligible to be appointed as a BT Assistant based upon the seniority of the petitioner based upon the marks awarded to her in TET Examination conducted in August 2013.

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



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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 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 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.

19.09.2024

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

To

1. The Principal Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.

2. The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.



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R.VIJAYAKUMAR, J.

RJR

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