



W.P.(MD)No.17140 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.09.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.17140 of 2017

and

W.M.P.(MD)Nos.13713 & 13714 of 2017

R.Ramalakshmi

... Petitioner

/Vs./

1.The State Commissioner for Differently Abled Person,
O/o. The State Commissioner for Differently Abled Person,
KK Nagar,
Chennai – 78.

2.The District Differently Abled Welfare Officer,
Thirunelveli District.

3.The Correspondent,
Gandhigram Santhi High School for Deaf,
Sivasailam,
Alwarkurichi (Via),
Thirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings issued by the 1st respondent vide



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Se.Mu.Na.Ka.No.7887/Si.Pa.1/2015 dated 22.08.2017 and quash the same as illegal and consequentially direct the 2nd respondent to pay the salary for the month of July and August 2017 and continue to pay future monthly salary.

For Petitioner : Mr.H.Mohamed Imran
for M/s.Ajmal Associates
For Respondents : Mrs.D.Farjana Ghoushia (R1 & R2)
Special Government Pleader

ORDER

The petitioner has challenged the impugned order, under which though she was selected to the post of BT Assistant, it was made clear that she has to pass Teachers Eligibility Test (TET). Since the petitioner did not have the TET qualification, she has filed this writ petition. According to the petitioner, TET is not applicable to the case of the petitioner.

2. It is brought to the notice of this Court by the learned Special Government Pleader appearing for the official respondents that the very same petitioner, subsequent to the filing of this writ petition, had filed



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another writ petition seeking for mandamus in WP(MD)No.27119 of 2019, wherein the petitioner had sought for payment of salary based on the selection to the post of BT Assistant and the same was dismissed by the learned Single Judge of this Court on 27.04.2022. It is also brought to the notice of this Court that aggrieved by the said order, a writ appeal has also been filed in WA(MD)No.629 of 2022, which is pending on the file of the Division Bench of this Court.

3. The contention of the petitioner in this writ petition is that TET is not applicable to the case of the petitioner, since she is teaching to the Special Children.

4. The learned counsel appearing for the petitioner would submit that liberty may be granted to the petitioner to raise all issues that have been raised in this writ petition in the connected writ appeal, namely WA(MD)No.629 of 2022.

5. This Court is not expressing any opinion on the merits of the petitioner's contentions in this writ petition. It is always open to the



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petitioner to raise all issues which are relevant in the connected writ appeal pending before the Division Bench of this Court.

6. In view of the fact that subsequent to the filing of this writ petition, the very same petitioner has filed another writ petition namely WP(MD)No.27119 of 2019 as referred to supra, which was dismissed and which is now the subject matter of consideration by the Division Bench of this Court in WA(MD)No.629 of 2022, this Court is not adjudicating this writ petition on merits and instead, granting liberty to the petitioner to raise all issues which are relevant before the Division Bench of this Court in WA(MD)No.629 of 2022.

7. With the aforesaid observations, this writ petition is closed. No costs. Consequently, connected miscellaneous petitions are closed.

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Index : Yes / No
NCC : Yes / No
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ABDUL QUDDHOSE, J.

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Order made in
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