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W.A.No.1305 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2025

CORAM :
THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A.No.1305 of 2023

1. The State of Tamil Nadu
Rep. By the Principal Secretary to Government
School Education Department
Fort St. George, Chennai – 600 009.
2. The Director of Elementary Education
College Road, Chennai – 6.
3. The District Elementary Education Officer
Thiruvannamalai District.
4. The Assistant Elementary Education Officer
Kalasapakkam. .. Appellants

Vs.

1. M.Revathi
2. S.Muthukumarasamy Aided Middle School
Rep. By its Secretary
Thenmagadevamangalam
Thiruvannamalai District. .. Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent, against
the order dated 07.03.2022 in W.P.No.18011 of 2013.

For the Appellants : Mr.J.C.Durairaj
Additional Government Pleader

For the Respondents : No Appearance (served)



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JUDGMENT

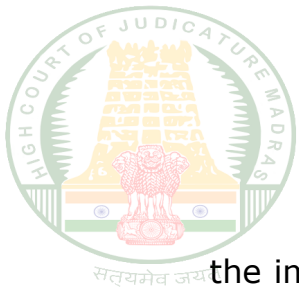
(Judgment of the Court was authored by R.SURESH KUMAR, J.)

This intra court appeal has been directed against the order passed by the Writ Court dated 07.03.2022 made in W.P.No.18011 of 2013.

2. The respondent *M.Revathy* was the writ petitioner, who approached the Writ Court challenging the proceedings issued by the District Elementary Education Officer dated 02.01.2013, where, the appointment of the writ petitioner as Secondary Grade Teacher was not approved and therefore, sought a direction to approve the appointment with effect from 16.05.2012 with consequential benefits.

3. The approval was not given to the appointment of the respondent/writ petitioner on two grounds; the first ground was that the 200 point roster was not followed at the time of appointment and the second ground was that the respondent/writ petitioner had not completed the Teachers Eligibility Test (TET) qualification.

4. These issues have been dealt with by the learned Judge in



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the impugned order dated 07.03.2022. Insofar as the first ground is concerned, the learned Judge has relied upon a decision of this Court made in W.P.No.28058 of 2017 dated 29.01.2019 in the matter of ***S.Shanmugapriya vs. The District Elementary Educational Officer & Ors.***, where, as per G.O.Ms.No.241, Personnel and Administrative Reforms (K) Department dated 29.10.2007, if the vacancy arise after 29.04.2009 and if it is filled by the 200 point roster prescribed in G.O.Ms.No.241, the same cannot be made applicable. The relevant portion of the order has been extracted in the impugned order itself by the Writ Court. Therefore, on that ground, approval cannot be denied.

5. Insofar as the second ground of acquiring the TET qualification is concerned, the writ petitioner has become qualified in TET in the year 2013. Therefore, that ground also cannot be sustained. As per Section 23 of the Right of Children to Free and Compulsory Education Act, 2009, within five years from the date of the cut-off date under which the provision has been brought, making the TET qualification as a mandatory one for appointment as Teacher, if the Teacher completes and holds the TET qualification, he or she will be entitled to the post, where he or she has already been considered. This aspect has been considered by the learned



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Judge in the impugned order.

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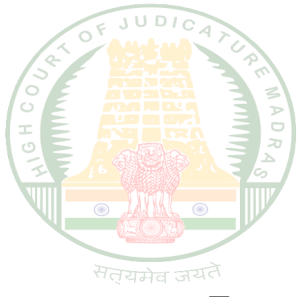
6. Therefore, on both grounds, the approval of the appointment of the writ petitioner ought not to have been rejected. Result of which, the order impugned before the Writ Court was quashed and the writ petition was allowed.

7. In light of that, we do not find any error in the conclusion reached by the Writ Court. Therefore, the writ appeal is liable to be dismissed, hence, stands dismissed. However, there shall be no order as to costs. Consequently, C.M.P.No.12951 of 2023 is closed.

(R.S.K., J.) (A.D.M.C., J)
01.04.2025

Neutral Citation:Yes/No

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R. SURESH KUMAR, J.
AND
A.D.MARIA CLETE, J.

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