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W.P.No.2832 of 2022



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 02.12.2025

CORAM

**THE HONOURABLE Ms. JUSTICE P.T. ASHA**

**W.P.No. 2832 of 2022**

R.Suresh

...Petitioner

Vs.

1.The Commissioner of School Education  
Directorate of School Educational  
DPI Complex, College Road,  
Chennai – 600 006.

2.The Joint Director of School Education  
(Personnel Department)  
Directorate of School Education,  
College Road,  
Chennai – 600 006.

3.The Chief Educational Officer,  
Cuddalore District,  
Cuddalore – 607 001.



4.The Headmaster,  
Government High School,  
Thiruvamoor, Panruti Taluk,  
Cuddalore District – 607 106.

...Respondents

**Prayer:** Writ Petition is filed under Section 226 of the Constitution of India for issue of Writ of Mandamus, directing the 2<sup>nd</sup> respondent to call the petitioner whose name is in Serial No.129 of the panel as on 01.01.2021 released by the 2<sup>nd</sup> respondent comprising of eligible Secondary Grade Teacher / Physical Education Teacher for promotion as BT Assistant (Science) for counselling within a time frame to be fixed by this Court.

For Petitioner : Mrs. C.Uma

For Respondents : Mr. S.Prabhakaran  
Government Advocate

## **ORDER**

The above writ petition is filed for the following relief:

*“directing the 2<sup>nd</sup> respondent to call the petitioner  
whose name is in Serial No.129 of the panel as on  
01.01.2021 released by the 2<sup>nd</sup> respondent comprising of*



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*eligible Secondary Grade Teacher / Physical Education Teacher for promotion as BT Assistant (Science) for counselling within a time frame to be fixed by this Court”.*

2. The Hon'ble Supreme Court in the Judgement in ***Anjuman Ishaat-E-Taleem Trust Vs. The State of Maharashtra and others – Civil Appeal No.1385 of 2025***, in paragraph No.218 has held as follows:

*“218.Subject to what we have said above, it is reiterated that those aspiring for appointment and those in-service teachers aspiring for appointment by promotion must, however, qualify the TET; or else, they would have no right of consideration of their candidature.”*

3. Therefore, this writ petition has to be necessarily dismissed. However, in paragraph No.216 of the said judgement, the Hon'ble Supreme Court has held that the teachers who less than 5 years of



service left, as on date, may continue in service till they attain the age of superannuation without qualifying TET. The learned Judges went on to observe that insofar as teachers who have been recruited prior to enactment of RTE Act and having more than 5 years to retire on superannuation are concerned, they are under an obligation to qualify TET within 2 years from the date of the order to continue in service, i.e., within 2 years from 01.09.2025. The relevant portion of the said judgement reads as under:

*“216.Bearing in mind their predicament, we invoke our powers under Article 142 of the Constitution of India and direct that those teachers who have less than five years’ service left, as on date, may continue in service till they attain the age of superannuation without qualifying the TET. However, we make it clear that if any such teacher (having less than five years’ service left) aspires for promotion, he will not be considered eligible without he / she having qualified the TET.*

*217.Insofar as in-service teachers recruited prior to enactment of the RTE Act and having more than 5 years to retire on superannuation are concerned, they shall be under an obligation to qualify the TET within 2 years from date in order to continue in service. If any of such*



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*teachers fail to qualify the TET within the time that we have allowed, they shall have to quit service. They may be compulsorily retired; and paid whatever terminal benefits they are entitled to. We add a rider that to qualify for the terminal benefits, such teachers must have put in the qualifying period of service, in accordance with the rules. If any teacher has not put in the qualifying service and there is some deficiency, his / her case may be considered by the appropriate department in the Government upon a representation being made by him / her.”*

Therefore, if they fall within the category set out in paragraph No.217, they shall be permitted to qualify so.

4. The writ petition is dismissed with the above direction. No costs.

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Index : Yes/No

Internet : Yes/No

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**P.T. ASHA, J**

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