



W.P. No. 16599 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM

THE HON'BLE Ms. JUSTICE R.N.MANJULA

**W.P. No. 16599 of 2019
and
W.M.P. No. 16230 of 2019**

R.Hariharan

... Petitioner

-VS-

1. The Director of School Education
DPI Campus, College Road
Chennai-600009.
2. The Chief Educational Officer
Presidency Girls Higher Secondary School Campus
Egmore High Road, Egmore
Chennai-600008.
3. The District Educational Officer
Central Chennai
Saidapet, Chennai-600015.
4. The Secretary
Savitri Ammal Oriental Higher Secondary School
No.84, Royapettah High Road
Mylapore, Chennai-600004.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, forbearing the respondents from stopping the salary of the petitioner in the post of B.T. Assistant (Tamil) in the fourth respondent School insisting passing of Teacher Eligibility Test and consequently, directing the fourth respondent to forward the bill to the



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department from April 2019 and to direct the respondents to continue the disbursement of salary to the petitioner in the post of B.T. Assistant (Tamil).

For Petitioner : Mr.S.Nedunchezhiyan

For Respondents : Mrs.P.Rajarajeswari, GA (RR1 to 3)
Mr.J.Narayanasamy, (R4)

ORDER

This writ petition has been filed forbearing the respondents from stopping the salary of the petitioner in the post of B.T. Assistant (Tamil) in the fourth respondent School insisting passing of Teacher Eligibility Test and consequently, directing the fourth respondent to forward the bill to the department from April 2019 and to direct the respondents to continue the disbursement of salary to the petitioner in the post of B.T. Assistant (Tamil).

2. Heard Mr.S.Nedunchezhiyan, learned counsel for the petitioner, Mrs.P.Rararajeswari, learned Government Advocate for the first to third respondents and Mr.J.Narayanasamy, learned counsel for the fourth respondent and perused the materials placed on record, apart from the pleadings of the parties.

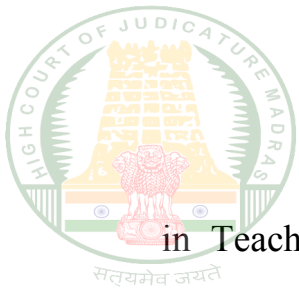


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3. The petitioner was initially appointed as Junior Assistant in the fourth respondent school on 15.10.2007 and the appointment was approved by the department vide proceedings of the third respondent dated 13.11.2007. The fourth respondent school is an aided school governed by the provisions of the Tamil Nadu Recognized Private Schools (Regulation) Act and the Rules made thereunder. As the petitioner is qualified with B.Lit (Tamil) in the year 2011 and completed Tamil Pandit Training in the year 2012, he has become eligible for promotion to the post of B.T. Assistant from the non-teaching staff category and thereby, he has been given with promotion on 01.11.2012 as per Rule 15(4)(ii)(b) of the Tamil Nadu Recognized Private Schools (Regulation) Rules, 1974. The promotion of the petitioner has also approved by the third respondent on 29.08.2013.

4. All of a sudden, the fourth respondent school management has not forwarded the petitioner's pay bill for the month of April 2019 on the premise that the Teachers who have not cleared Teacher Eligibility Test (TET) will not be given salary beyond 31.03.2019.

5. The learned counsel for the petitioner submitted that at the time when the petitioner was promoted as B.T. Assistant, there was no rule mandating the pass

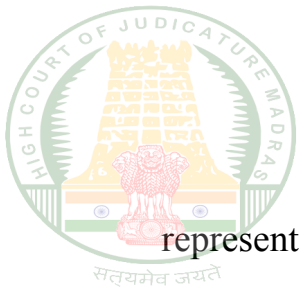


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in Teachers Eligibility Test. In the approval order of the petitioner dated 29.08.2013, there was no condition that the petitioner should have been qualified in Teachers Eligibility Test.

6. The learned counsel for the respondents submitted that the Teachers Eligibility Test has been prescribed as mandatory qualification w.e.f. 23.08.2010 as per provision made in Rule 23(1) of the National Council of Teacher Education Act and that the Government has issued G.O. (Ms) No. 181, School Education (C2) Department dated 15.11.2011 prescribing Teacher Eligibility Test as a mandatory qualifications. In the said Government Order, Government has granted five years time extension for those who have appointed as B.T. Assistant after 23.08.2010 for getting qualified in the Teacher Eligibility Test.

7. It is learnt that the salary of the petitioners continues to be disbursed in view of the interim order granted by this Court from time to time. However, the learned counsel for the petitioner submitted that an S.L.P. (C) No. 26289 of 2023 is pending before the Hon'ble Supreme Court challenging the order mandating the Teachers Eligibility Test for those who have been appointed to the post of B.T. Assistant after 23.08.2010. In such case, the petitioner's



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representation can be considered subject to the outcome of the S.L.P. (C)

WEB NO.26289 of 2023.

8. With these observations, this writ petition is disposed with a direction to the respondents to continue to pay the salary to the petitioner until the disposal of the S.L.P. No. 26289 of 2023 and thereafter, as per the order passed in the said S.L.P. Consequently, the connected Miscellaneous Petition is closed. No costs.

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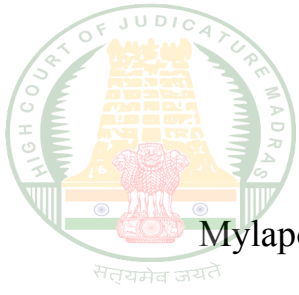
Internet: Yes/No

Speaking /Non-speaking order

Maya

To

1. The Director of School Education
DPI Campus, College Road
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Presidency Girls Higher Secondary School Campus
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R.N.MANJULA, J.

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