



W.P. No. 25760 of 20..

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.02.2025

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CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P. No. 25760 of 2014

and

M.P. Nos. 1 & 2 of 2014

D. Anandavalli

...Petitioner

Versus

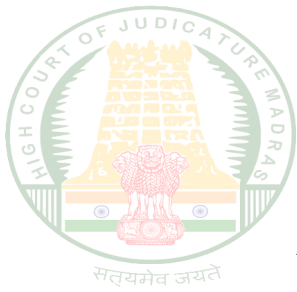
1.The State of Tamil Nadu,
rep., by its Secretary to Government,
School Education (Q) Department,
Fort St. George, Secretariat,
Chennai – 600 009.

2.The State of Tamil Nadu,
rep., by its Secretary to Government,
School Education (TRB) Department,
Fort St. George, Secretariat,
Chennai – 600 009.

3.The Chairman,
Teachers Recruitment Board,
Chennai – 600 006.

4.The Director of School Education,
Directorate of School Education,
Chennai – 600 006.

...Respondents



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Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari, to call for the records relating to the Government Orders in G.O.Ms.No.252 dated 05.10.2012 of the first respondent herein and G.O.Ms.No.29 dated 14.02.2014 and G.O.Ms.No.71 dated 30.05.2014 of the second respondent herein and quash the same.

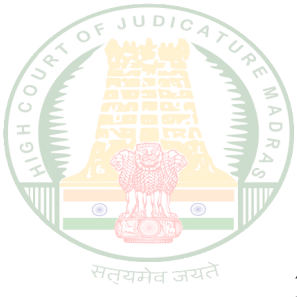
For Petitioner : Mrs. AL. Ganthimathi,
Senior Counsel

For Respondents : Mr. R. Kumaravel, for R1, R2 & R4
Additional Government Pleader
Mr. C. Kathiravan, for R3
Standing Counsel

ORDER

Heard the learned Senior Counsel for the petitioner and the learned Standing Counsel for the third respondent.

2. This Writ Petition has been filed by the petitioner to quash G.O.Ms.No.252 dated 05.10.2012 of the first respondent, G.O.Ms.No.29 dated 14.02.2014 and G.O.Ms.No.71 dated 30.05.2014 of the second respondent.

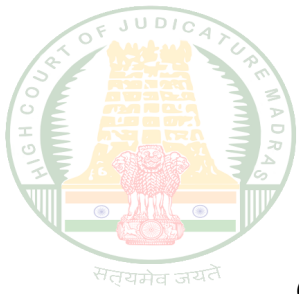


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3. Independent challenges to the respective Government Orders have already attained finality. As far as the Government Order in G.O.Ms.No.252 dated 05.10.2012 is concerned, this Court has already quashed the aforementioned Government Order which stands confirmed by the decision of the Hon'ble Supreme Court. In respect of Government Order in G.O.Ms.No.71, is concerned, this Court has upheld the validity of the aforesaid Government Order.

4. However, some of the candidates who qualified and were called for certificate verification in accordance with G.O.Ms.No.71 dated 30.05.2014 of the second respondent, like the petitioner, were not appointed in service. This has been captured in the recent decision of the Division Bench of this Court in W.P. Nos. 26084 & Batch of 2023 vide order dated 10.07.2024.

5. During the pendency of this writ petition, G.O.Ms.No.149 dated 20.07.2018 was issued, wherein competitive exams have been prescribed for recruiting 'Teachers' by the school run by the respondents and those schools that are governed by the respondents.



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6. By order dated 10.07.2024, the Division Bench of this Court in W.P. No. 26084 & Batch of 2023 taking note of the situation arising out of incomplete operation of G.O.Ms.No.71 dated 30.05.2014, has observed as under: -

“21. The State Government then introduced another method in G.O.Ms.No.71 School Education (TRB) Department dated 30.05.2014, where weightage marks are awarded on the actual percentage of marks scored by the candidate. In the meantime i.e., after striking down of G.O.Ms.No. 252 by order dated 29.04.2014 and before passing of G.O.Ms.No. 71 dated 30.05.2014, the Government had appointed 3202 candidates as BT Assistants without following any procedure between 06.05.2014 and 12.05.2014.”

7. In paragraph 25, it has been further observed as under: -

“25. It is therefore seen that unlike usual selection made by the State for appointment in public employment where selection contemplates a recruitment notification, a written examination and an interview/viva-voce, in the field of teacher education, the State Government initially devised a weightage method vide GO Ms.No.252 School Education Department dated 05.10.2012 (i.e., the slab method of weightage) and thereafter another weightage vide GO Ms. No.71 School Education Department dated 30.05.2014 (the accurate method of weightage). In both these methods and more particularly in GO Ms.No.71 dated 30.05.2014, which contemplates awarding of marks to candidates on the basis of marks obtained in HSC, Graduation, B.Ed., and TET, there is no written examination or interview or any other method of selection. In fact both in 2014 as well as in 2017 when the



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State Government wanted to recruit teachers, there was neither any specific notification pursuant to which eligible candidates could apply nor were the exact number of vacancies announced. Both in 2014 and in 2017, all eligible candidates were called for certificate verification and such certificate verification was, in effect, the first as well as the last stage of selection. Nothing more other than participation in certification verification was required to be done on the part of candidates. In fact, it can be said that the process of selection commenced when the State Government has assessed the certificates and the comparative merit of the candidates by applying the weightage method as contemplated in GO. Ms.No.71 dated 30.05.2014 which has been in vogue since 30.05.2014 and which it came to be applied in certificate verifications conducted both in 2014 and 2017. Immediately after participation in the certificate verification, the weightage awarded to each candidate and the marks obtained by each of them are issued to be candidates which in turn decides whether they are in the zone of consideration for appointment to the post of teachers (Secondary Grade Teachers or BT Assistants) depending upon the available vacancies. When once the said method of selection i.e., GO.Ms.No.71 dated 30.05.2014 has been applied to the candidates, the State has to proceed with the selection and conclude the same on the basis of the same method. Thus, there cannot be any semblance of doubt that the process of selection had commenced in 2017 for all candidates who are eligible until then and depending upon the marks obtained by them applying the weightage method pursuant to GO Ms.No.71 dated 30.05.2014 they were to be considered on their merit in the available vacancies.”

8. Ultimately, the Division bench has held as under: -

“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.



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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 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.”*

9. In this case, the Petitioner responded to the recruitment notifications issued by the respondents and was called for a certificate verification on 27.01.2014. This is prior to issuance of G.O.Ms.No.71 dated



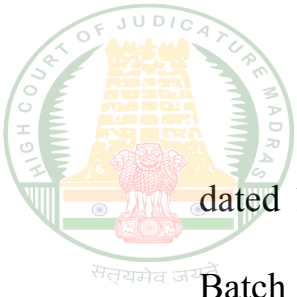
30.05.2014. However, the recruitment did not proceed in view of the several litigations pending before Courts.

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10. Since the petitioner would be eligible for being appointed in accordance with G.O.Ms.No.71 dated 30.05.2014 in terms of the aforesaid decision of the Division Bench of this Court, this Court is inclined to direct the respondents to consider the candidature of the petitioner subject to the guidelines in paragraph 38 of the Order dated 10.07.2024 of the Division Bench of this Court in W.P. No. 26084 & Batch of 2023 which has been extracted above.

11. Needless to state, such appointment shall be without prejudice to the rights of the Respondent Department, in case, appeal is been filed against the aforesaid decision of the Division Bench of this Court as indicated during the course of hearing.

12. Since the appointment has been delayed for almost a decade, the respondents shall expedite the process by examining the appointment of the petitioner strictly in accordance with paragraph 38 of the aforesaid Order



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dated 10.07.2024 of the Division Bench of this Court in W.P. No.26084 & Batch of 2023, within a period of two months from the date of receipt of copy of this order. As mentioned above, this will be without prejudice to the rights of the Respondent Department.

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13. This Writ Petition is disposed of with the above direction.

Consequently, connected miscellaneous petitions are closed. No costs.

07.02.2025

Index : Yes/No
Neutral Citation : Yes/No
AT



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Fort St. George, Secretariat,
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Teachers Recruitment Board,
Chennai – 600 006.

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C.SARAVANAN, J.

AT

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