



W.A.No.3803 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated : 10.01.2025

Coram:
THE HON'BLE MR.JUSTICE R.SURESH KUMAR
and
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.A.No.3803 of 2024
and C.M.P.No.29937 of 2024

The Teachers Recruitment Board,
Rep. by its Member Secretary,
DPI Campus, College Road,
Nungambakkam,
Chennai – 600 006.

...Appellant

Versus

1.K.Mani

2.The Director,
School Education Department,
DPI Campus, College Road,
Nungambakkam,
Chennai – 600 006.

...Respondents

Prayer:

Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 17.11.2023 made in W.P.No.18194 of 2017 on the file of this Court.



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For Appellant : Mr.R.Neelakandan,
Additional Advocate General
Assisted by Mr.R.Siddharth

For Respondent – 1 : Mr.M.R.Jothimanian

For Respondent – 2 : Mr.U.M.Ravichandiran,
Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **C.SARAVANAN, J.**)

This intra Court Appeal arises against the impugned order dated 17.11.2023 passed by the Writ Court in W.P.No.18194 of 2017.

2. By the impugned order, the Writ Court has disposed of the above writ petition. The operative portion of the impugned order reads as under:

“5. It is an Admitted fact that the petitioner did not complete the B.Ed degree during the academic year 2012-2013 and therefore, his candidature was not considered. Since the petitioner had passed in the TET examination in the year 2013 and possessed B.Ed degree in the year 2014, he is eligible to be appointed for the post of Graduate teacher in the subsequent academic year 2015-2016, if any backlog vacancy is available and therefore, the respondents are directed to consider the case of the petitioner, if he is otherwise entitled to and pass appropriate orders, within a period of eight week from the date of receipt of a copy of this order.



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6. This writ petition is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petitions are closed.”

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3. The case of the 1st respondent/writ petitioner before the Writ Court was that the 1st respondent/writ petitioner belongs to Most Backward Class (MBC) community and had completed B.A., B.Ed. (English) & B.Sc. (Geography) under 10 + 2 + 3 pattern. The further case of the 1st respondent/writ petitioner before the Writ Court was that during the Academic Year 2012-13, 1st respondent/writ petitioner was pursuing B.Ed. Final Year, when the appellant Board had issued Notification dated 22.05.2013 for conducting Tamil Nadu Teacher Eligibility Test (for brevity, “TNTET”). Pursuant to the said notification, 1st respondent/writ petitioner had applied for the said TNTET Paper – II to qualify for the post of Graduate Teacher and appeared for the TNTET-2013 examination. In the said examination, he had secured 99 marks and he was issued with Tamil Nadu Teacher Eligibility Certificate by the appellant.

4. The only contention of the appellant Board is that the 1st



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respondent/writ petitioner had not completed the B.Ed Degree during the Academic Year 2012-13 as specified in the aforesaid notification. Since the 1st respondent/writ petitioner had not acquired the minimum academic qualification which is mandatory to apply for TNTET-2013 examination, the 1st respondent/writ petitioner was considered as ineligible to appear for TNTET-2013 examination.

5. Thereafter, the appellant Board had issued a Notification vide Advertisement No.02/2014 dated 14.07.2014, for direct recruitment of B.T Assistants for the year 2012-13 from the candidates who have been qualified in TET-II 2012, 2013 & Special TET-2014. The said recruitment has attained finality. It is therefore submitted that the impugned order of the Writ Court is erroneous and is liable to be set aside.

6. We have considered the arguments advanced by the learned counsel on either side and we have perused the materials placed before us.

7. There is no dispute that the 1st respondent/writ petitioner had



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secured Provisional B.Ed. Degree Certificate only on 25.02.2015. The

contention of the appellant Board is that as per the Advertisement No.02/2014 dated 14.07.2014, only those candidates who are educationally qualified and passed TET-II Paper could be considered for selection to the post of B.T Assistants and at the time of applying for TET-2013, candidates were required to possess B.Ed. (Special Education) qualification and hence, the application of 1st respondent/writ petitioner for TET-2013 was liable to be ignored, although the 1st respondent/writ petitioner secured 99 marks.

8. We are of the considered view that the Writ Court has rightly held that since the 1st respondent/writ petitioner had passed in the TET – 2013 and *post facto* possessed B.Ed. Degree in the year 2015, he was eligible to be appointed as a Graduate Teacher in the subsequent Academic Year 2015-16, if any backlog vacancy is/was available. Therefore, the direction of the Writ Court to the appellant Board & 2nd respondent to consider the case of the 1st respondent/writ petitioner, if he was otherwise entitled to be appointed does not call for any interference. Thus, the present Writ Appeal is liable to be dismissed and the order of the Writ Court which is impugned



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herein has to be sustained.

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9. Accordingly, this Writ Appeal is dismissed and the order dated 17.11.2023 passed by the Writ Court in W.P.No.18194 of 2017 is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (C.S.N., J.)
10.01.2025

mrr

Index : Yes/No

Neutral Citation: Yes/No

Speaking Order (or) Non-Speaking Order

To

1.The Member Secretary,
Teachers Recruitment Board,
DPI Campus, College Road,
Nungambakkam, Chennai – 600 006.

2.The Director,
School Education Department,
DPI Campus, College Road,
Nungambakkam, Chennai – 600 006.

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