



W.A.No.2521 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2025

CORAM

THE HONOURABLE Mr.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE Mr.JUSTICE P. DHANABAL

W.A.No.2521 of 2025

AND

C.M.P.No.19927 of 2025

1.The State of Tamil Nadu
Rep. by its Principal Secretary to Government
School Education Department
Fort St. George, Chennai 600 009

2.The Director of School Education
DPI Campus, College Road
Chennai 600 006

3.State Commissionerate for Welfare of the Differently Abled
Rep. by the Director for Welfare of the Differently Abled
No.5, Kamarajar Salai
Lady Willingdon College Campus
Chennai 600 005

.. Appellants

Vs.

1.R.Kaliyappan

2.Teachers Recruitment Board
4th Floor, DPI Campus, College Road
Chennai 600 006

.. Respondents



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For Appellants : Mrs.Dakshayani Reddy
Senior Counsel
Assisted by Mr.S.Yashwanth
Additional Government Pleader

For 1st Respondent : Mrs.N.Kavitha Rameshwar

For 2nd Respondent : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.C.Kathiravan
Standing Counsel

J U D G M E N T

(made by R. SURESH KUMAR, J.)

This intra-court appeal has been directed against the order dated 17.10.2024 made in W.P.No.26205 of 2024.

2. The short facts which are required to be noticed for the disposal of this writ appeal are as follows:

2.1. The 2nd respondent herein *i.e.*, Teachers Recruitment Board (in short would be called as “TRB”) issued a notification calling for applications from eligible candidates to fill up the post of Graduate Teachers-Tamil under the special category. The qualification prescribed for the said post as per the notification No.3/2023 dated 25.10.2023, issued by the TRB is that the candidates should



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possess graduation with at least 50% marks and B.Ed. (Special Education) from a recognised University. The qualification prescribed for the post should have been obtained by passing the required qualification in the order of studies, *i.e.*, S.S.L.C. + H.S.C. or its equivalent + UG degree + B.Ed. degree. The B.Ed. (Special Education) degree should be obtained with specialisation in visual impairment/hearing impairment/ mental retardation and the candidates should also be qualified in TET Paper-II.

2.2. Pursuant to the aforesaid notification of the TRB, the 1st respondent, who was the writ petitioner before the writ Court, also made an application which was processed along with applications submitted by others. The 1st respondent/ writ petitioner participated in the recruitment/selection process conducted by the TRB and ultimately, received a communication from the TRB for verification of certificates.

2.3. After all these processes got completed, when the 1st respondent/writ petitioner was waiting for the result of selection, the TRB has issued ineligible list dated 23.08.2024, wherein, the name of the 1st respondent/writ petitioner also was included.



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2.4. When the 1st respondent/writ petitioner enquired the matter, it came to light that the 1st respondent/writ petitioner does not possess a particular qualification *viz.*, B.Ed. (Special Education) in mental retardation under Inclusive Education for Disabled at Secondary Stage (IEDSS) category.

2.5. As has been stated above, since the qualification prescribed under the notification is graduation with at least 50% marks and B.Ed. (Special Education) from a recognised University, the qualification which was held by the 1st respondent/writ petitioner was not considered to be a required qualification and not only the 1st respondent/writ petitioner, but also several other similarly placed persons, since they do not have such graduation *i.e.*, B.Ed. (Special Education), were included in the ineligible list dated 23.08.2024, issued by the TRB.

2.6. Therefore, the 1st respondent/writ petitioner was triggered to challenge such ineligibility list issued by the TRB dated 23.08.2024 and seek for a consequential direction to the respondents therein to appoint the 1st respondent/writ petitioner to the post of Graduate Teacher/B.T.Assistant-Tamil under B.Ed. (Special Education-mental retardation) category, pursuant to the notification of the



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TRB dated 25.10.2023.

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2.7. The said writ petition was heard and disposed of by the writ Court through the impugned order dated 17.10.2024.

2.8. In the said order, the learned Judge, after having analysed various aspects, including Article 24 of the United Nations Convention on Education, has given a direction to the TRB to send a communication to the second respondent, viz., Director of School Education, with respect to unfilled posts falling under IEDSS category for all subjects, who shall coordinate with the 1st respondent/State Government as well as the 4th respondent *i.e.*, State Commissioner for Welfare of the Differently Abled and take steps to fill up the vacancies with Special Education Teachers, who possess senior diploma qualification as prescribed under NCTE notification dated 23.08.2010 and Clause (vii) of IEDSS guidelines read with Rehabilitation Council of India (RCI) notification dated 11.01.2012.

2.9. Aggrieved over the said directions issued by the writ Court, the State as well as the Director of School Education have jointly filed the present intra-court appeal.



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3. In support of the appellants assailing the order passed by the writ Court, Mrs.Dakshayani Reddy, learned Senior Counsel, appearing for the State would contend that, insofar as the prescription of qualification to hold the post of Special Education Teachers are concerned, as per the notification issued by the TRB dated 25.10.2023, the qualification has been prescribed clearly as per which only those who are having graduation with at least 50% marks and B.Ed. (Special Education) from a recognised University and who have completed the same by way of 10 + HSC or its equivalent + UG degree alone would be considered for appointment. However, in view of the RCI notification dated 11.01.2012, where many number of PG diploma courses awarded by various institutions recognised by the RCI since have to be approved as a required qualification for holding the post of Special Teachers for special children or mentally retarded children, the Government thought it fit to issue a Government Order by taking a policy decision and issued *ad hoc* rules under Article 309 of the Constitution of India by issuance of G.O.(Ms.)No.144 School Education (SE3(2)) Department, dated 17.06.2025 (in short “GO 144”).

4. Relying upon GO 144, the learned Senior Counsel appearing for the State



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would contend that, by virtue of this GO, a special *ad hoc* rules since has been issued whereby several qualifications, including the qualification of secondary level teacher training course in visual impairment or senior diploma in teaching the deaf and other qualification, since have also been included as one of the recognised qualifications for the purpose of holding the Special Teacher post, all the other candidates, including the 1st respondent/writ petitioner, who are having such qualification now become eligible to make an application for any competitive examination to be conducted in future by the TRB which are not able to be filled up now for want of candidates with the qualification. Therefore, the learned Senior Counsel appearing for the State would further contend that in this context, the second appellant *viz.*, Director of School Education, on the basis of the instructions given by the Government, has filed an affidavit dated 20.08.2025. Relying upon the said affidavit, learned Senior Counsel would contend that, a fresh notification would be issued by the TRB at the instance of the State Government *i.e.*, 1st and 3rd appellants and in that notification, all these qualifications, pursuant to GO 144 will be included as required qualifications to hold the post of Special Teachers and in view of the same, pursuant to such notification to be issued by the TRB, since all eligible candidates, including the present 1st respondent/writ petitioner would make an application and he can

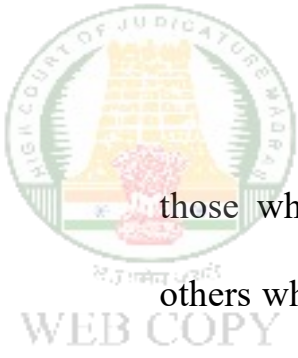


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complete based on which *inter se* merits would be evaluated and ultimately, selection process would go on to fill up the remaining vacancies which could not be filled up, pursuant to the current recruitment which is under challenge in the said writ petition, she contended.

5. Mr.R.Neelakandan, learned Additional Advocate General, appearing for the TRB, on instructions, would submit that, the TRB would take at least two months' period to issue a notification for any recruitment process as the dates which have already been notified by various notifications of the TRB, have to be reconciled based on which only, fresh notification will be issued. Therefore, such a breathing period of two months will be required to issue a fresh notification, if such a directive is issued by the State Government, he contended.

6. On the other hand, Mrs.N.Kavitha Rameshwar, learned counsel appearing for the 1st respondent/writ petitioner would submit that, insofar as the qualification which is held by the 1st respondent/writ petitioner and similarly placed persons are concerned, such a diploma qualification is one of the recognised qualifications as per the RCI notification and IEDSS guidelines and when that being so, knowing well that those qualifications are also one of the required qualifications and if



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those who have fulfilled such qualification since are eligible to compete with others who are having the B.Ed. qualification or graduation to compete for getting appointment for the post of Special Teachers, for which the notification was originally issued by the TRB, those candidates who are having such qualifications are abruptly have been made ineligible, thereby, ineligibility list has been issued, that too after completing the selection process by permitting them to write examinations and after having verified their certificates. Since such a drastic decision has been taken by the TRB by issuing ineligibility list, by including the name of so many people including the 1st respondent/writ petitioner, such a course of action adopted by the TRB is unlawful and unjustifiable. Therefore, only under those circumstances, the learned writ Court has shown its indulgence against such an ineligibility list published by the TRB which was impugned before the writ Court.

7. The learned counsel would also submit that, now the stand taken by the 1st respondent/writ petitioner and similarly placed persons who might not have come to Court by filing separate writ petitions stood vindicated because of the coming out of the *ad hoc* rules by the State Government by issuance of GO 144 as referred to above, thereby, all these qualifications, including diploma qualification



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since has been included as one of the required qualifications, the outright rejection of the candidature of the 1st respondent/writ petitioner and others by issuing an ineligibility list is totally unwarranted and therefore, the directions issued by the learned Judge through the impugned order are fully justified. Therefore, the learned counsel appearing for the 1st respondent/writ petitioner would contend that the order impugned does not warrant any interference at the hands of the Division Bench.

8. We have given our anxious consideration to the said rival submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

9. Insofar as the qualification that is held by the 1st respondent/writ petitioner and similarly placed persons are concerned, no doubt, it is one of the required qualifications to be considered for the purpose of filling up the post of Special Teachers, for which the notification was issued by the TRB.

10. However, in the notification, in qualification column, it has been specifically mentioned that the candidates should possess graduation with at least

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50% marks and B.Ed. (Special Education) from a recognised University.

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11. Though such a prescription has been made by the TRB, nevertheless, applications have been made by several candidates, including the 1st respondent/writ petitioner knowing well that they do not have such a qualification and will have only other qualification *i.e.*, diploma or PG diploma, as the case may be.

12. If at all, the 1st respondent/writ petitioner had knowledge about the prescription made by RCI notification dated 11.01.2012, thereby, the diploma qualification awarded to them are recognised qualification in view of the said notification, which cannot be ignored by any recruiting agency like TRB, of course, pursuant to the need of the department like the State Government or the Directorate of School Education in the State of Tamil Nadu, the 1st respondent/writ petitioner could have very well challenged that part of the said notification prescribing the qualification as graduation as well as B.Ed. (Special Education) by thus excluding the qualification of PG diploma and other diploma held by the persons like the 1st respondent/writ petitioner.

13. No such challenge has been made, but without having made any such challenge, the 1st respondent/writ petitioner participated in the selection process



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and ultimately, suffered because of the ineligibility list which has been published by the TRB.

14. It is a settled proposition of law that, once a notification is issued, having accepted the terms of the notification issued by the recruiting agency, the candidates, after making application and participating in the selection process, cannot turn around and challenge the ultimate result made by such recruiting agency. Umpteen number of judgments have been passed by Courts of law that such a belated challenge cannot be countenanced.

15. Here, in the case on hand, though the State has belatedly come forward to frame the *ad hoc* rules, of course under Article 309 of the Constitution of India, thereby, all such qualifications, including the qualification of PG diploma in Special Education have been included as one of the required qualifications and also the TRB makes it clear that the rules hereby shall be made deemed to have come into force on and from 30.01.2015, technically speaking, the date on which the notification was issued by the TRB, the *ad hoc* rules since has been given a retrospective effect, the qualification held by the 1st respondent/writ petitioner and the similarly placed persons are having eligible qualifications or required



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qualifications.

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16. However, the fact remains that, in view of the prescription that has been made by the TRB in the notification where they prescribed graduation and B.Ed. Special Education as required qualification, many number of eligible persons who are otherwise holding PG diploma or special diploma courses as held by the 1st respondent/writ petitioner might not have made an application. By virtue of that, many number of eligible candidates in the open market would not have applied pursuant to the notification, thereby vast number of candidates would have missed the chance of making the application because of the prescription made in the notification.

17. Therefore, based on the direction given by the writ Court through the impugned order if the 1st respondent/writ petitioner and the similarly placed persons alone are permitted to be taken into account for the purpose of the completion of the selection process and to select them based on their *inter se* merit by taking into account of the qualification which they held, then, many candidates who are having similar qualification would be ousted from the purview of the selection process without being given a chance of competing with others who are



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having similar qualification like the 1st respondent/writ petitioner. Such a course of action cannot be permitted to be adopted by the orders of the Court. Therefore, to that extent, we do feel that the directions given by the writ Court do not deserve to be approved by us.

18. Now, by virtue of the issuance of GO 144 *i.e.*, *ad hoc* rules, the Government has come forward through the Director of School Education, in filing an affidavit dated 20.08.2025, whereby *inter alia* the Government has stated as follows:

“3) It is submitted that out of the 144 posts notified, only 45 candidates fulfilled the required qualifications and accordingly they were selected and appointment orders are about to be issued. In respect of remaining 99 vacancies, the same will be treated as backlog vacancies and for which fresh notification in accordance with G.O.(Ms.) No.144, School Education (SE3(2)) Department, dated 17.06.2025 will be issued and in this regard Teachers Recruitment Board (TRB) vide its letter dated 13.8.2025 has communicated the unfilled vacancies (ie) 99 vacancies.

4) It is further submitted that School Education Department, in consultation with the Teachers Recruitment Board, is fully prepared to issue a fresh Notification for filling up the said 99 remaining vacancies, strictly by incorporating the qualification requirements as prescribed under G.O.(Ms.) No.144, School Education (SE3(2)) Department, dated 17.06.2025.

5) It is respectfully submitted that the fresh Notification will be issued before the end of the current academic year 2025-2026, thereby enabling eligible candidates, including the petitioner and similarly placed persons, to apply and participate in the recruitment process.

In the above circumstances, it is humbly prayed that this Hon'ble Court



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may be pleased to record this affidavit regarding the proposed further course of action, and permit School Education Department to proceed with issuance of a fresh Notification as stated above, and thus render justice.”

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Therefore, it has been now agreed upon by the State Government that they are ready and willing to make a fresh notification to fill up the remaining vacancies as out of the 144 vacancies for which the original notification was issued, only for 45 vacancies, selection has been completed as per the communication issued by the TRB. Therefore, remaining 99 vacancies are left unfilled for want of candidates as per the original eligibility criteria prescribed under the notification. In order to fill up these 99 vacancies and also if any additional vacancies arise in the meanwhile, all those vacancies can be filled up, for which, a fresh notification can be issued by the State through the TRB. In this context, since the State has come forward to issue such a direction to the TRB to issue a fresh notification, we do feel that such a course of action is the only available option now to rope in all such eligible candidates into the fold of the recruitment process, otherwise, many number of such candidates though having qualification as has now been prescribed under GO 144 would be driven away from the purview of selection process, if we accept the direction issued by the writ Court.

19. Though it is submitted by the learned Additional Advocate General

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appearing for the TRB that it will take at least two months time to issue a notification from the date of communication given by the requiring department of the State Government, such a course of action can be quickly followed by both the State Government as well as the TRB by taking into account the emergent situation arising out of large number of vacancies which could not be filled up for want of candidates, because of the earlier notification where the PG diploma and special diploma qualification have been specifically excluded.

20. In that view of the matter and for the aforestated discussions and by taking note of the issuance of GO 144 issued by the School Education Department, by virtue of which special *ad hoc* rules had been issued under Article 309 of the Constitution of India and also taking note of the stand taken by the Director of School Education on behalf of the State Government, who filed an affidavit dated 20.08.2025, we, by taking into account, the totality of the situation, are inclined to set aside the impugned order. As a sequel, the following directions are issued:

i. The State Government and the Director of School Education who are the appellants herein are hereby directed to send a communication to the TRB to go ahead with a fresh notification by virtue of *ad hoc* rules issued under GO 144 and such a



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communication shall be issued by the State Government *i.e.*, the

1st appellant herein, within a period of one month from the date of receipt of a copy of this judgment.

ii. On receipt of such communication from the State Government,

the 2nd respondent herein *i.e.*, TRB shall issue a notification afresh

based on the educational qualifications now included or

enumerated in GO 144, within a maximum period of two months

from the date of such intimation.

iii. While issuing such notification, the TRB shall specifically

indicate that those who made application to the earlier notification

dated 25.10.2023 and the addendum issued subsequently and also

having the qualification as has now been prescribed under GO 144

i.e., *ad hoc* rules need not make fresh application and their earlier

application will be taken into account.

iv. The 1st respondent/writ petitioner and similarly placed persons

who have made applications earlier and fulfilled any one of the

qualifications as has now been prescribed under GO 144 would be

eligible to participate in the fresh recruitment process, pursuant to

the notification to be issued as directed above.

v. That apart, the open market candidates also would respond to the



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notification to be issued by the TRB afresh and all such eligible candidates shall be permitted to compete by way of a fresh examination to be conducted by the TRB and followed by interview, if any, as per the procedure adopted by TRB.

vi. The entire selection process shall be completed as indicated above within a maximum period of six months from the date of communication being received from the State Government and within six months period, the selection process shall be completed and all the remaining vacancies for the post of Special Teachers for which the notification which was originally issued on 25.10.2023 shall be filled up and final selection list shall be forwarded by the TRB to the 1st and 2nd appellants *i.e.*, State Government as well as the Director of School Education, within the said period of six months.

With the aforesaid directions, this writ appeal stands disposed of.
No costs. Connected C.M.P. is closed.

(R.S.K., J.) (P.D.B., J.)

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Neutral Citation : Yes/No

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To

Teachers Recruitment Board
4th Floor, DPI Campus, College Road
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