



WEB COPY

W.A.No. 233 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 233 of 2025
and
C.M.P.Nos. 1643, 1644 & 1647 of 2025

K.Devi

... Appellant

Vs.

- 1.The State of Tamilnadu,
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
- 3.The Chief Educational Officer,
Nagapattinam.
- 4.The District Educational Officer,
Myladuthurai.
- 5.The Secretary,
Muthuswamy Viswanathan High School,
Madhirivellor,
Sirkalai Taluk.

...Respondents



Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 04.08.2023 made in W.P.No.31971 of 2013.

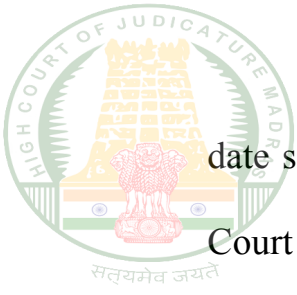
For Appellant : Mr.Kavitha Nithyanandan
For Respondents : Mr.U.M.Ravichandran
Special Government Pleader

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The order cancelling the approval that was granted for appointment of the appellant as BT Assistant in the 5th respondent School was under challenge before the writ Court.

2. It is not in dispute that the appellant was appointed as BT Assistant after 29.07.2011, the date on which, the NCTE prescribed a pass in the Teacher Eligibility Test as a qualification for appointment as Teachers. A Division Bench of this Court in *the Director of School Education and Others Vs. M.Velayutham & Another* had considered the issue relating to the qualification in the Teacher Eligibility Test and had held that a Teacher appointed prior to 29.07.2011 shall be allowed to continue in service *de hors* the acquisition of TET qualification. Any Teacher appointed after the cut off



date sans the qualification, is bound to be removed from service. The Writ Court has only followed the judgment of the Division Bench.

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3. We have heard Mrs.Kavitha Nithyanandan, learned counsel for the appellant. Despite her efforts, she is unable to persuade us to take a different view from the view taken by the Division Bench in *Velayudham's* case. We therefore, do not see any reason to entertain the appeal. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petitions are closed. Needless to state that if the appellant has served the School, she will be paid salaries till he had worked in the 5th respondent School by the School themselves and no claim can be made against the Government.

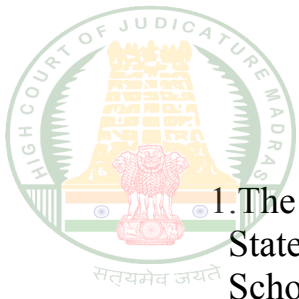
(R.S.M., J.) (G.A.M., J.)
11.03.2025

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Index: No
Speaking order
Neutral Citation : No

To:

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R.SUBRAMANIAN, J.
and



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G. ARUL MURUGAN, J.

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