



W.P.No.39841 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2025

CORAM

THE HONOURABLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.39841 of 2025

Bhuvaneshwari

.... Petitioner

Vs

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

2.The Commissioner of School Education,
Directorate of School Education ,
DPI Campus, College Road,
Chennai – 600 006.

3.The Joint Director of School Education (Personnel),
DPI Campus, College Road,
Chennai – 600 006.

4.The Director of School Education,

1/8



W.P.No.39841 of 2025

Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.

5.The Teachers Recruitment Board,
Rep. by its Member Secretary,
4th Floor, DPI Campus,
College Road, Chennai – 600 006.

.... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Declaration, declaring that the petitioner is entitled to be appointed as B.T. Assistant teacher / Secondary Grade as the case may be on the basis of her TET marks and the year of passing TET in 2013 and 2017, having duly completed certificate verification on 26.07.2017, prior to the issuance of G.O.Ms. No. 149 School Education (TRB) Department dated 20.07.2018 without resorting to any further competitive examination as contemplated under G.O.Ms. No. 149 as a measure of equity and fairness and also on the foundation of the doctrine of promissory estoppel and legitimate expectation.

For Petitioner : Mr.D.Selvam

For R1 to R4 : Mrs.S.Mythreye Chandru
Special Government Pleader

For R5 : Mr.C.Kathiravan
Standing Counsel



W.P.No.39841 of 2025

WEB COPY

ORDER

This Writ Petition has been filed for a declaration declaring that the petitioner is entitled to be appointed as B.T. Assistant teacher / Secondary Grade as the case may be on the basis of her TET marks and the year of passing TET in 2013 and 2017, having duly completed certificate verification on 26.07.2017, prior to the issuance of G.O.Ms. No. 149 School Education (TRB) Department dated 20.07.2018 without resorting to any further competitive examination as contemplated under G.O.Ms. No. 149 as a measure of equity and fairness and also on the foundation of the doctrine of promissory estoppel and legitimate expectation.

2.Heard the learned counsel appearing for the petitioner, the learned Special Government Pleader appearing for the respondents 1 to 4 and the learned Standing Counsel appearing for the fifth respondent. Perused the materials available on



W.P.No.39841 of 2025

WEB COPY

3. Already G.O.Ms.No.149, School Education (TRB) Department, dated 20.07.2018, which ordered for competitive examination, has been challenged before this Court in W.P.No.161 of 2024. This Court, by an order dated 08.01.2024, dismissed the writ petition and upheld the Government order. The relevant portion of the order of this Court in W.P.No.161 of 2024, dated 08.01.2024 reads hereunder :

“11. There cannot be any prejudice caused to any of the candidates who passed TET for the reason that weightage marks are being given as per the notification issued by the TRB in notification No.3/2023, dated 25.10.2023. That apart, the Government had taken a policy decision to conduct separate competitive examination as early as in the year 2018. Therefore, challenging the impugned order of the year 2018 itself would amount to a 'stale claim', which is not entertainable, at this length of time, that too, after the notification was issued by the TRB dated



W.P.No.39841 of 2025

WEB COPY

25.10.2023. Pursuant to the said notification, the applications were received till 30.11.2023 about more than 40000 and the competitive examination is scheduled to be held on 04.02.2024. A policy decision can only be challenged on the ground of illegality or contrary to law or any constitutional prohibition. In the case on hand, no ground of malafidness, unreasonableness or arbitrariness and overwhelming public interest is made out. It is settled law that the Courts can interfere only the decision making process is vitiated by malafides, unreasonableness or arbitrariness and overwhelming public interest.

13. Thus, it is clear that the State is competent to change the rules relating to a service and alter or amend and vary by addition/subtraction the qualifications, eligibility criteria and other conditions of service including avenues of promotion, from time to time, as the administrative exigencies may need or necessitate. Therefore, the mode of recruitment and the category from which the recruitment to a service should be made are all matters which are exclusively within the domain of the Executive. It is not for Judicial Bodies to sit in judgment over the wisdom of the Executive in choosing the mode of recruitment or the categories from which



W.P.No.39841 of 2025

WEB COPY

the recruitment should be made as they are matters of policy decision, falling exclusively within the purview of the Executive. Therefore, the Statutory authority is entitled to frame rules and lay down terms and conditions of service as also the qualifications essential for holding a particular post. If the action of the State is not bonafide or otherwise unfair, this Court can exercise its jurisdiction as prayed for. But neither any such plea was raised, nor was the same otherwise found to be existing. It is settled legal position that merely because a candidate is selected and kept in the waiting list, he or she does not acquire any absolute right to be appointed. It is open to the Government to make the appointment or not. As far as the petitioners are concerned, after qualifying in the TET, verification of the certificates were done. It does not confer any absolute right for them to join as a teacher.”

4. In view the order passed by this Court in W.P.No.161 of 2024 dated 08.01.2024, the prayer sought for in this writ petition cannot be considered. Thus, the writ petition lacks merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. No costs.



W.P.No.39841 of 2025

WEB COPY

25.10.2025

Neutral citation :Yes/No

Index:Yes/No

Lpp

G.K.ILANTHIRAIYAN, J.

Lpp

To

Principal Secretary to Government,
School Education Department,
Fort St.George, Chennai – 600 009.

2.The Commissioner of School Education,
Directorate of School Education ,
DPI Campus, College Road,
Chennai – 600 006.

3.The Joint Director of School Education (Personnel),
DPI Campus, College Road,
Chennai – 600 006.

4.The Director of School Education,

7/8



W.P.No.39841 of 2025

Directorate of School Education,
DPI Campus, College Road,
Chennai – 600 006.

5.The Teachers Recruitment Board,
Rep. by its Member Secretary,
4th Floor, DPI Campus,
College Road, Chennai – 600 006.

W.P.No.39841 of 2025

25.10.2025