



W.A(MD)Nos.309 to 313 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 19.02.2025

CORAM :

**THE HONOURABLE MRS.JUSTICE J.NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.A(MD)Nos.309 to 313 of 2025
and**

CMP(MD)Nos.2387, 2389, 2390, 2393 and 2396 of 2025

W.A(MD)No.309 of 2025:

1. Teachers Recruitment Board,
Represented by its Chairman,
3rd Floor, Puratchi Thalaivar Dr.MGR Centenary Building,
DPI Campus, College Road,
Chennai - 600 006.

2. Teachers Recruitment Board,
Represented by its Member Secretary,
3rd Floor, Puratchi Thalaivar Dr.MGR Centenary Building,
DPI Campus, College Road,
Chennai - 600 006.

... Appellants

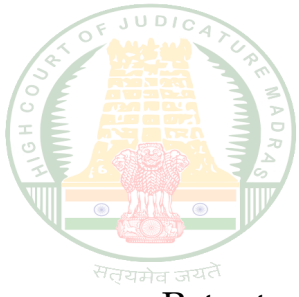
vs.

1. Jefry Stairish

2. Director of School Education,
DPI Campus,
Chennai-6.

3. The Director of School Education,
DPI Campus,
Chennai-6.

... Respondents



W.A(MD)Nos.309 to 313 of 2025

PRAYER : Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 02.08.2024 made in W.P(MD)No.18804 of 2024.

For Appellants : Mr.V.R.Shanmuganathan
For R1 : Mr.T.Lajapathi Roy, Senior Counsel for
Mr.T.Aswin Raja Simman
For R2 : Mr.J.Ashok
Additional Government Pleader

W.A(MD)Nos.310 to 313 of 2025:

The Chairman,
Teachers Recruitment Board,
College Road,
Nungambakkam,
Chennai - 600 006. ... Appellant in W.A(MD)Nos.310 to 313 of 2025

vs.

M.Suresh ... R1 in W.A(MD)No.310/2025
P.Nithish ... R1 in W.A(MD)No.311/2025
R.Anila ... R1 in W.A(MD)No.312/2025
S.Mohamed Haris ... R1 in W.A(MD)No.313/2025

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

3. The Director of School Education,
School Education Department,
College Road, Nungambakkam,
Chennai - 600 006. ... R2 and R3 in W.A(MD)Nos.310 to 313 of 2025



W.A(MD)Nos.309 to 313 of 2025

PRAYER : Writ Appeals filed under Clause 15 of the Letters Patent, against the common order dated 02.08.2024 made in W.P(MD)Nos.18387, 18386, 18388 and 18389 of 2024.

W.A(MD)Nos.310 to 313 of 2025:

For Appellant : Mr.V.R.Shanmuganathan
For R2 & R3 : Mr.J.Ashok
Additional Government Pleader

W.A(MD)Nos.311 to 313/2025:

For R1 : Mr.H.Mohammed Imran for
M/s.Ajmal Associates

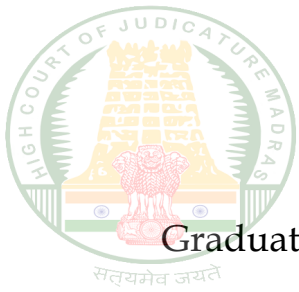
COMMON JUDGMENT

(Judgment of the Court was made by J.NISHA BANU, J.)

These writ appeals are filed against the common order dated 02.08.2024 made in W.P(MD)Nos.18804, 18387, 18386, 18388 and 18389 of 2024.

2. The facts leading to the filing of these writ appeals are as follows:

The 1st respondent in all the writ appeals / writ petitioners appeared in the examination for direct recruitment to the posts of

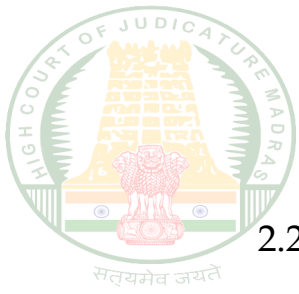


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Graduate Assistant / Block Resource Teacher Educators (BRTE)-2023,

called for by the Teachers Recruitment Board. They have also possessed the qualification of Teacher Eligibility Test(TET). They were successful in the written examination and thereafter, they participated in the certificate verification. However, their candidature were rejected on the ground that they were not pursuing final year of B.Ed., degree when they appeared for the Teacher Eligibility Test. Challenging such rejection, the 1st respondent in all these appeals filed writ petitions.

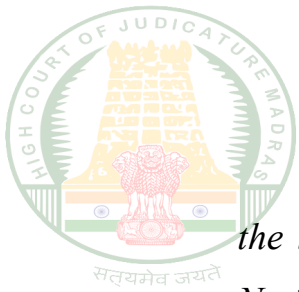
2.1. Before the Writ Court, the 1st respondent in all the appeals had contended that as per the Notification No.1 / 2022 of the Teachers Recruitment Board (TRB), dated 07.03.2022, any candidate having qualified in B.Ed., programme recognised by the National Council for Teacher Education (NCTE), or a person who is pursuing any of the Teacher Education Course, is eligible to apply to the said post and therefore, the rejection of the candidature, stating that the writ petitioners were pursuing second year of B.Ed., degree, while they appeared in the Teacher Eligibility Test, is arbitrary.



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2.2. Countering to the said contentions, the department had contended before the Writ Court that merely because the writ petitioners were allowed to write the written examination, it does not mean that they are the eligible candidates, yet they have to satisfy the eligibility criteria as per the recruitment notification. In this regard, the Writ Court took note of the clarificatory letter dated 04.08.2022 issued by the National Council for Teachers Education pursuant to the judgment of the Hon'ble Supreme Court in *Omkar Singh and others vs. State of Uttar Pradesh and others*, reported in (2021) 14 SCC 486. Holding that the word 'pursuing' finds place in the recruitment notification can only mean undergoing or proceeding further and a limited interpretation that the candidate who is pursuing the requisite course should be in the final year, cannot be given, the Writ Court set aside the impugned rejection order insofar as the 1st respondent in these appeals are concerned and allowed the writ petitions. The relevant passage of the common order passed by the Writ Court is worth reproduction:

"8. The above clarification has been consequent to the order made by the Hon'ble Supreme Court in Civil Appeal No.5564/2019 (arose from S.L.P.(C).No.16698 of 2018 and it was disposed of on 16.07.2019. In fact, the subject matter of the above proceedings is



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the interpretation for the word “pursuing” adopted in similar such Notification issued by the State of Punjab. A doubt was raised by some of the candidates with regard to the word “Pursuing”. While disposing of those litigations, the Hon'ble Supreme Court has given the following order:

“Para 8.3 ... as per dictionary meaning, the word “Pursuing” means undergoing and / or proceeding further. Therefore, a candidate who has been admitted in any of the TTC and undergoing the teacher training course (TTC) can be said to be “Pursuing” such teacher training course and shall be eligible to appear in the TET examination, irrespective of the fact that whether, by the last date specified for filling up the online form for TET examination, he has, in fact, appeared in the examination of the concerned teacher training course and the result is awaited. “Pursuing” the requisite teacher training course is sufficient to make such a candidate eligible to appear in the TET examination. Therefore, on a fair reading of Clause 5(ii) of the NCTE guidelines, a person who has been admitted in TTC and is pursuing, he / she can appear in the TET examination”....

Para 8.4.....Therefore, it is clear that the respective appellants herein whose appointments were challenged were eligible to appear in the TET examination at the time they were “Pursuing” the concerned TTC. Thus, we hold that the decision of the High Court, to the aforesaid extent, is not sustainable. The impugned orders of the High Court are accordingly modified to the aforesaid extent....”



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9. *The National Council for Teachers Education has accepted the clarity given by the Hon'ble Supreme Court in the above said order, wherein, it is clarified that 'pursuing' can only mean undergoing or proceeding further. So, it is further clarified that a limited interpretation that the candidate who is pursuing the requisite course should be in the final year examination, cannot be given. So a person who is undergoing the course can also appear in TET Examination. In similar lines, a clarification has been issued by NCTE to the Directorate of Education stating that the person who has been admitted in the training course and pursuing can appear in the TET Examination. When the National Council for Teacher Education itself has given the above clarification, to the terms of the Notification issued by the TRB, the Government of Tamil Nadu should also need to read it in the same spirit. Even by looking at the apparent terms under 3(b) of the Notification, seven educational requirements are contemplated. One of the criteria is graduation with at least 50% marks and pass or appearing in final year B.Ed., (Special Education) and another option is that any candidate having qualified B.Ed., programme recognized by the NCTE and they are eligible to appear for Tamil Nadu Teacher Eligibility Test (TET).*

10. *A special reference has been made about the above clarificatory note issued by the National Council to the Guidelines issued by the NCTE and it is stated that a person who is pursuing any of the Teacher Education course recognized by NCTE or the person who has been admitted in Teacher Training Course, as the case may be, is also qualified to appear in the TET examination. So,*

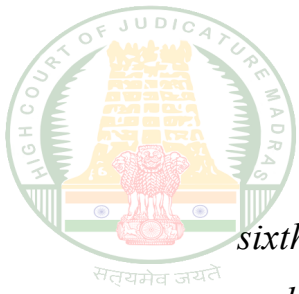


these petitioners, who have been undergoing the Teacher education course either by pursuing B.Ed., (Special Education) or any other B.Ed., programme (which is recognized by the NCTE) are also eligible to appear for TET examination.

11. Even if the candidates who cannot fit themselves under the sixth eligibility stated in the Notification can find themselves fit under the 7th eligibility. These petitioners having themselves found in one of the eligibility criteria had appeared for TET examination and got it cleared. There is no dispute with regard to their TET pass. The only objection is that at the time when they appeared for TET they have been pursuing second year teacher education course and not in the final year.

12. The very purpose of giving a clarificatory note issued by the National Council for Teacher Education, dated 04.08.2022, only to allege the above said doubt and in which has been made very clear that the Hon'ble Supreme Court has held that the candidate should have pursued the Teacher Education Course irrespective of the year in which the candidates happened to appear for the TET Examination is eligible. The TRB has misconstrued its Notification and has interpreted the same without aid of the clarificatory note also given by the National Council for Teacher Education on 04.08.2022 and also the judgment given by the Hon'ble Supreme Court in Civil Appeal No.5564 of 2019 (arose from SLP (C) No. 16698 of 2018 which was disposed of on 16.07.2019) and rejected these candidates on the premises that they were not in the final year of the Teacher education course when they appeared for TET.

13. Even if the candidates who cannot fit themselves under the



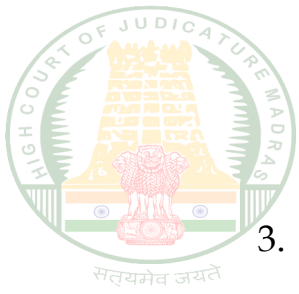
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sixth eligibility stated in the Notification can find themselves fit under the 7th eligibility. These petitioners having themselves found in one of the eligibility criteria had appeared for TET examination and got it cleared. There is no dispute with regard to their TET pass. The only objection is that at the time when they appeared for TET they have been pursuing second year teacher education course and not in the final year.

.....

17. Since the matter is no longer a *res integra*, in view of the earlier judgment given in this regard by the Hon'ble Supreme Court as referred to above, I feel that it is not fair and proper on the part of the TRB to reject the candidature of these petitioners and place them under the ineligible list.

18. In view of the above reasons, these Writ Petitions are **allowed** and the impugned ineligibility list issued by the Chairman, Teachers Recruitment Board vide impugned proceedings Nil dated 18.07.2024, 22.07.2024, 23.07.2024, 25.07.2024 and 20.07.2024 respectively are liable to be set aside insofar the petitioners are concerned and the Chairman, Teachers Recruitment Board is directed to include the petitioners' name, in case, they have reached the zone of selection and the Chairman, Teachers Recruitment Board is further directed to revise the selection list and publish the same for further process on the side of the Government within a period of two weeks from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed."



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3. Though the learned counsel appearing for the Teachers

Recruitment Board in all these appeals have contended that as per the TET Notification No.01/2022 dated 07.03.2022, the candidates either passed or appearing for the final year examination of the teacher training course alone are eligible to write TET, admittedly, the writ petitioners, who were stated to be pursuing second year of B.Ed., degree at the time of writing their TET examination, have cleared their TET and obtained certificates. Therefore, it is known on what basis the Teachers Recruitment Board permitted the writ petitioners and issued the TET certificates to them.

4. The crux of the contention of the Teachers Recruitment Board is that the writ petitioners were not pursuing final year of B.Ed., degree when they appeared for the Teacher Eligibility Test. As rightly held by the Writ Court, the said contention is no longer *res integra*, in view of the decision of the Apex Court in *Omkar Singh and others vs. State of Uttar Pradesh and others*, reported in (2021) 14 SCC 486, wherein, it has been categorically held that declaration of the result, appearing in the examination or the date of filling up of the forms, etc.,



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cannot be the criteria to appear in the TET examination. The relevant

observation of the Supreme Court is extracted hereunder:

"7.1 The issue involved in the present appeals is the meaning and interpretation of the word "pursuing" as appearing in Clause 5(ii) of the NCTE guidelines. The question for consideration is the eligibility criteria to appear in the TET examination. It is apparent from the reading of the guidelines framed by the NCTE - para 5 that the incumbents who have acquired the qualification academic as well as professional can apply for TET examination. The second category of candidates who can apply for TET examination is those who are "pursuing" any teacher training course (TTC). The meaning of "pursuing" is a person who is undergoing any of the teacher training course (TTC). He/she must have been admitted and pursuing the teacher training course which is prescribed as a qualification. Declaration of the result, appearing in the examination or date of filling up of the forms, etc. cannot be the criteria to appear in the TET examination. Therefore, a candidate who is undergoing i.e., "pursuing" the requisite teacher training course (TTC) shall be eligible to appear in the TET examination."

5. Pursuant to the above judgment of the Apex Court, the National Council for Teachers Education has issued a clarificatory letter dated 04.08.2022, stating that the person who has been admitted in the training course and pursuing can appear in the TET examination. As



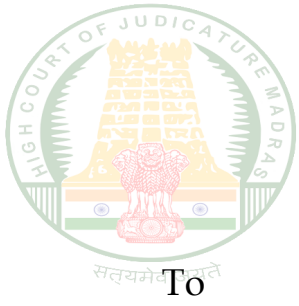
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rightly observed by the Writ Court, the TRB has misconstrued its notification and has interpreted the same without the aid of the clarificatory letter dated 04.08.2022, issued by the National Council for Teacher Education and the judgment of the Hon'ble Supreme Court in *Omkar Singh's case* (supra). Therefore, the rejection of the candidature of the 1st respondent in all the appeals on the ground that they were not pursuing B.Ed final year, while they were appearing in TET examination, is not justified. The learned Judge has considered the issue in proper perspective and has set aside the impugned rejection order insofar as the writ petitioners are concerned. We do not find any infirmity or illegality to interfere with the reasoned order passed by the learned Judge.

6. Accordingly, all the Writ Appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B, J.] [S.S.Y, J.]
19.02.2025

Index : Yes / No
Neutral Citation : Yes / No
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To
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1. The Chairman,
Teachers Recruitment Board,
3rd Floor, Puratchi Thalaivar Dr.MGR Centenary Building,
DPI Campus, College Road,
Chennai - 600 006.
2. The Member Secretary,
Teachers Recruitment Board,
3rd Floor, Puratchi Thalaivar Dr.MGR Centenary Building,
DPI Campus, College Road,
Chennai - 600 006.
3. The Secretary to Government,
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School Education Department,
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4. The Director of School Education,
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W.A(MD)Nos.309 to 313 of 2025

J.NISHA BANU, J.
AND
S.SRIMATHY, J.

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COMMON JUDGMENT MADE IN
W.A(MD)Nos.309 to 313 of 2025
DATED : 19.02.2025