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W.P.(MD)NO.2721 OF 2013

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.P.(MD)No.2721 of 2013

A.Mathivathana

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai -09.
2. The Director of Elementary Educational Officer,
Allinagaram, Theni, Theni District.
3. The District Elementary Educational Officer,
Allinagaram, Theni, Theni District.
4. The Assistant Elementary Educational Officer,
Cumbum, Theni District.
5. Kasthuribai Middle School,
Rep. by its Secretary, Kamayagoundanpatti,
Theni District.
6. The Secretary,
Teachers Recruitment Board,
Evk Sampath Maligai,
DPI Compound, College Road,
Chennai – 6.

... Respondents



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Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents 1 to 4 to exempt the petitioner from appearing in the Teacher Eligibility Test conducted by the sixth respondent within the time stipulated by this Court.

For Petitioner : Mr.G.Karthik
For R-1 to R-4 : Mr.C.Venkatesh Kumar,
Special Government Pleader.

For R-6 : Mr.T.Amjad Khan,
Government Advocate.

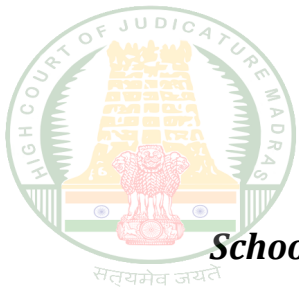
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ORDER

Heard both sides.

2. The writ petitioner was appointed as B.T.Assistant (Tamil) on 13.09.2010 in a non-minority institution.

3. The case on hand will have to be determined with reference to the decision of the Hon'ble Division Bench rendered in ***W.A.No.313 of 2022 etc. batch vide order dated 02.06.2023 (The Director of***



School Education, Chennai Vs. M.Velayutham). The Hon'ble Division

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Bench in paragraph No.74 of the said order held as follows:-

“ 74. For the sake of clarity and ease of reference, the upshot of the above discussion is as under:

(a) Any teacher appointed as Secondary Grade Teacher or Graduate Teacher/BT Assistant prior to 29.07.2011 shall continue in service and also receive increments and incentives, even if they do not possess/acquire a pass in TET. At the same time, for future promotional prospects like promotion from secondary grade teacher to B.T. Assistant as well as for promotion to Headmasters, etc., irrespective of their dates of original appointment, they must necessarily possess TET, failing which they will not be eligible for promotion.

(b) Any appointment made to the post of Secondary Grade Teacher after 29.07.2011 must necessarily possess TET.

(c) Any appointment made to Graduate Teacher/BT Assistant, after 29.07.2011, whether by direct recruitment or promotion from the post of Secondary Grade Teacher, or transfer, must necessarily possess TET. ***The principles laid**



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down in this judgment will not have application to minority schools, both aided and unaided as explained in paragraph no.71.1.

(d) The Special Rules for the Tamil Nadu School Educational Subordinate Service issued in GO (Ms.) No.13 School Education (S.E3(1)) Department dated 30.01.2020 insofar as it prescribes “a pass in Teacher Eligibility Test (TET)” only for direct recruitment for the post of BT Assistant and not for promotion thereto in Annexure-I (referred to in Rule 6) is struck down, thereby meaning that TET is mandatory/essential eligibility criterion for appointment to the post of BT Assistant even by promotion from Secondary Grade Teachers.

(e) The language employed in G.O. (Ms) No. 181 dated 15.11.2011 is to be read and understood to the effect that for continuance in service without promotional prospects, TET is not mandatory.”

4. The petitioner's appointment was approved on 02.11.2010.

The writ petitioner's appointment was prior to the cut-off date.

Admittedly, she has not cleared TET. Therefore, further service

benefits available to her will have to be governed as per the Hon'ble



Division Bench decision. This writ petition stands disposed of accordingly. No costs.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
18th August 2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

PMU

To:

1. The Principal Secretary,
Department of School Education,
Fort St. George, Chennai -09.
2. The Director of Elementary Educational Officer,
Allinagaram, Theni, Theni District.
3. The District Elementary Educational Officer,
Allinagaram, Theni, Theni District.
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5. The Secretary,
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