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W.A.(MD)NO.1047 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

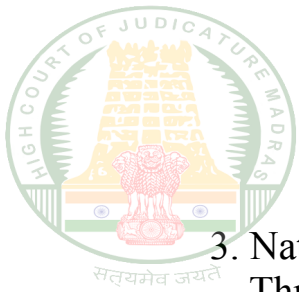
THE HON'BLE MS.JUSTICE R.POORNIMA

W.A.(MD)No.1047 of 2020 AND
C.M.P.(MD)No.5753 of 2020

1. The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
School Education Department,
St. George Fort, Chennai – 9.
 2. The Director,
School Education Department,
D.P.I.Campus, College Road,
Chennai.
 3. The Chief Educational Officer,
Trichy, Trichy District.
 4. The District Educational Officer,
Trichy, Trichy District.
- ... Appellants 1 to 4 /
Respondents 1 to 4

Vs.

1. R.Kanimozhi ... 1st Respondent / Writ petitioner
2. The Member Secretary,
Teacher Recruitment Board,
E.V.K.Sampath Maligai, DPI Compound,
Chennai.



3. National Council for Teacher Education,
Through its Chairman,
Hans Bhawan, Wing-II,
Bahadur Shah Zafar Marg,
New Delhi.

4. Swami Vivekananda Vidhyalayam
Higher Secondary School,
Rep. by its Secretary,
Vairichettipalayam,
Tiruchirappalli.

... Respondents 2 to 4 /
Respondents 5 to 7

Prayer: Writ appeal filed under Clause 15 of the Letter Patent Appeal, to set aside the order dated 24.10.2019 passed in W.P. (MD)No.11599 of 2019 on the file of this Court.

For Petitioner : Mr.V.Om.Prakash,
Government Advocate.

For R-1 : Mr.S.Manikandan
For R-2 : Mr.V.R.Shanmuganathan
For R-3 : Mr.R.Gowri Shankar,
Panel counsel for NCTE.

* * *

J U D G M E N T

Heard both sides.



2. The writ petitioner / first respondent herein was appointed as B.T.Assistant (Maths) in Swami Vivekananda Vidhyalayam Higher Secondary School, Tiruchirappalli. She was also getting her salary. In the year 2019, citing lack of TET qualification, her further salary was stopped. In this background, the first respondent filed W.P.(MD)No.11599 of 2019. The writ petition was allowed vide order dated 24.10.2019. Challenging the same, this writ appeal came to be filed.

3. The case on hand is squarely covered by the order dated ***W.A.(MD)No.2190 of 2021 (State of Tamil Nadu V. M.Maharani)*** **22.11.2024**. Paragraph Nos.4 and 5 of the aforesaid order reads as follows:-

“4. The Hon'ble Division Bench vide order dated **02.06.2023** in ***W.A.No.313 of 2022*** etc. batch had held that 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 TET. For getting promotion, they will have to necessarily possess TET. Failing which, they will not be eligible for promotion.



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5. Aggrieved by the said decision, the State filed SLP(Civil) Diary No.45649 of 2023 before the Hon'ble Supreme Court of India. Before the Hon'ble Supreme Court of India, it was specifically submitted by the learned Senior counsel appearing for the State that the direction given by the Hon'ble Division bench for continuation of teachers appointed prior to 29.07.2011 even without the TET qualification, is not being challenged. Since such a specific submission was made before the Hon'ble Supreme Court of India, the present challenge can no longer lie. The order impugned in this writ appeal is sustained. This writ appeal is dismissed.”

4. In view of the same, this writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
30.01.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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