



W.A.(MD)No.1310 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 02.06.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.A.(MD)No.1310 of 2025

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... Appellant

Vs.

1.The Secretary to Government,
Department of School Education,
Secretariat, St.George Fort,
Chennai - 600 009.

2.The Director of School Education,
EVK Sampath Maaligai, DPI Campus,
College Road, Nungampakkam,
Chennai - 600 006.

3.The Joint Director of School Education (Personnel),
EVK Sampath Maaligai, DPI Campus,
College Road, Nungampakkam,
Chennai - 600 006.

4.The Member Secretary,
The Teachers Recruitment Board,
College Road,
Chennai - 600 006.

... Respondents



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Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.620 of 2025 dated 09.01.2025 on the file of this Court.

For Appellant : Mr.D.Shanmugaraja Sethupathi

For Respondents : Mr.T.Amjadkhan,
Government Advocate for R1 to R3.
Mr.C.Venkatesh Kumar,
Spl. Government Pleader for R4.

JUDGMENT

Heard both sides.

2.The appellant is an aspirant for the post of secondary grade teacher. The appellant cleared the teacher eligibility test held in the year 2013. Since during the relevant time (2014), sufficient number of eligible candidates were not available, the posts were filled up by appointing the candidates, who had cleared teacher eligibility test. In fact, the appellant's application was also received and she was called for certificate verification. But the process did not proceed further. Since subsequently adequate number of eligible candidates became available,



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the government brought back the original practice of holding competitive examination. In this background, the appellant filed W.P.(MD)No.620 of 2025 seeking issuance of Writ of Mandamus to appoint her as secondary grade teacher on the basis of her pass in teacher eligibility test in the year 2013. The learned Single Judge dismissed the writ petition vide order dated 09.01.2025 in the following terms:-

“2.A similar request was made by 400 aspirants in W.P. (MD)Nos.26084, 26133, 27571, 27807, 28291, 32081, 32218, 32698 and 35350 of 2023. The said issue was resolved by the Hon'ble Division Bench on 10.07.2024. So many aspirants had also sought to implead themselves in the said writ petition. The Hon'ble Division Bench in paragraph Nos.36 to 38 has held as follows:

“36. In view of the above discussion and findings, we are of the considered opinion that the writ petitioners are entitled to the reliefs sought herein. However, as stated earlier, this order is only restricted to these petitioners alone.

37.The petition in WMP No.7353 of 2024 in W.P.No.26133 of 2023, has been filed to implead the petitioners therein in the writ petition mentioned hereinabove, without stating in what capacity they seek to be impleaded, while making stray averments that they are similarly placed as the petitioners. Also, the said petition has been filed after the arguments were



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completed in the writ petitions and the counsel for the impleading petitioners was not able to answer any of the queries raised by this Court. Therefore, we are of the view that the impleading petition is thoroughly misconceived in law and the same deserves to be dismissed with exemplary costs. However, we refrain from imposing any costs. As such, this miscellaneous petition is dismissed.

38. In the result, all the writ petitions are allowed with a direction to the State Government to continue the process of appointment left midway in 2017, insofar as the petitioners are concerned and appoint them as Secondary Grade Teachers, or Graduate Assistants as the case may be, as expeditiously as possible, without causing any further delay, if they are otherwise eligible for appointment as per the eligibility criteria laid down by the NCTE, and to appoint them as teachers depending on their respective merit/ranking as per the weightage method and their TET scores, applying the rule of reservation accordingly. As these writ petitions were filed well before the recruitment notification dated 25.10.2023, number of vacancies already advertised in the said recruitment notification or the present number of vacancies shall not be cited as a reason for not giving effect to the direction stated above.”

3. In view of the categorical findings of the Hon'ble Division Bench, the present writ petitions by a fence-sitter is not maintainable.”

Challenging the said dismissal order, this writ appeal has been filed.

3. The learned counsel for the appellant reiterated all the contentions set out in the grounds of writ appeal.



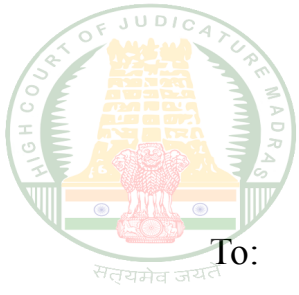
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4. We are not swayed by the said submissions. Even though the learned Single Judge had rested his order on the strength of the decision of the Hon'ble Division Bench referred above, we would add one more reason. Admittedly, the cause of action for the writ petitioner dates back to the year 2013 – 2014. But the writ petition was filed in the year 2025. Thus, there has been a delay of eleven years. During the intervening period, several developments had taken place. The Government had issued G.O.(Ms)No.149, School Education Department, dated 20.07.2018. The writ petitioner had not challenged the subsequent government orders. Thus, the appellant deserves to be non-suited even on the ground of laches. The writ appeal is dismissed. No costs.

(G.R.S. J.) & (K.R.S. J.)
02.06.2025

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