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W.P.(MD)NO.15787 OF 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R.POORNIMA

W.P.(MD)No.15787 of 2019 AND

W.M.P.(MD)Nos.12522 & 12523 of 2019

K.Eswari

... Petitioner

Vs.

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,
DPI Campus, College Road,
Chennai.
3. The Chief Educational Officer,
Trichy District.
4. The District Educational Officer,
Lalgudi,
Trichy District.
5. National Council for Teacher Education,
Through its Chairman,
Hans Bhawan, Wing-II, Bahadur sha Zafar Marg,
New Delhi.



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6. The Member Secretary,
Teachers Recruitment Board,
E.V.K.Sambath Maligai,
DPI Compound,
Chennai.

7. The Jamindar Higher Secondary School,
Rep. By its Secretary,
Thuraiyur,
Trichy District.

8. The Secretary,
Ministry of Human Resources Development,
Sasthri Bhavan,
New Delhi.

(R-8 is *suo motu* impleaded vide order dated 16.07.2019.)

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, forbearing the respondents from insisting Teachers Eligibility Test as qualification for the petitioner as she was appointed prior to 29.07.2011 and the same was approved by the fourth respondent without any condition.

For Petitioner	: Mr.N.Mohan
For R-1 to R-4	: Mr.V.Om.Prakash, Government Advocate.
For R-5	: Mr.R.Gowri Shankar, Panel counsel for NCTE.

* * *

**ORDER**

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Heard both sides.

2. The writ petitioner herein was appointed as B.T.Assistant (Science) in the seventh respondent school on 30.11.2010. She did not possess TET qualification. Her appointment was approved.

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.

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



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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 aforesaid order of the Hon'ble Division Bench, the prayer sought for has to be granted. Since the petitioner was appointed prior to the cut of date, her appointment has to be necessarily approved. The third respondent is directed to approve the writ petitioner's appointment with effect from 30.11.2010 and disburse all the consequential monetary benefits. The writ petition is allowed as prayed for. No costs. Consequently, connected miscellaneous petitions are closed.

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

30.01.2025

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

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