



W.A(MD) No.5 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated : 18.08.2025

CORAM

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

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&
C.M.P.(MD)No.115 of 2022

1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
St.George Fort, Chennai-9.

2.The Director of School Education,
D.P.I Campus, College Road,
Chennai.

3.The Chief Educational Officer,
Virudhunagar, Virudhunagar District.

4.The District Educational Officer,
Virudhunagar, Virudhunagar District.

... Appellants / Respondents 1 to 4

Vs.

1.R.S.Balaji

2.A.Elangovan

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3.S.Francis Devasahayam

4.K.V.S.Higher Secondary School,
Rep. by its Secretary,
Virudhunagar,
Virudhunagar District.

... 4th Respondent / 5th Respondent

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, praying this Court to set aside the order dated 16.07.2021 made in W.P.(MD)No. 11951 of 2021 and allow the writ appeal.

For Appellants : Mr.C.Venkateshkumar
Special Government Pleader

For Respondents : Mr.T.Pon Ramkumar
for R1 to R3

: No appearance
for R4

JUDGMENT

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The Government has filed this writ appeal challenging the order dated 16.07.2021 made in W.P.(MD)No.11951 of 2021 filed by the



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respondents 1 to 3. The writ petitioners were appointed as BT Assistants on 15.06.2011. Their appointments have also been approved.

The Hon'ble Division Bench in the decision reported in **2023 (3) LW 112**

(Director of School Education Vs. Velayutham) had 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 down in** this judgment will not have application to minority schools, both aided and unaided as explained in paragraph no.71.1.



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(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.

3. Since the writ petitioners were appointed prior to 29.07.2011, they shall continue in service and also receive increments and incentives even if they did not possess / acquire TET qualification. The rights of the writ petitioners would be governed by the aforementioned decision of the Hon'ble Division Bench. The order of the learned single Judge is modified accordingly.



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WEB COPY 4. The Writ Appeal is disposed of. No costs. Consequently,
connected miscellaneous petition is closed.

(G.R.S., J.) (K.R.S., J.)
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Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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