

W.P.(MD) No.7955 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 16.07.2025

Pronounced On : 21.07.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.7955 of 2017

and

W.M.P.(MD)No.6161 of 2017

C.K.Devi,
D/o.R.Chadramohanan Nair,
Chathan Veedu,
Vanniyoor, Vanniyoor P.O.,
Via Kuzhithurai,
Kanyakumari District.
Pin : 629 163.

... Petitioner

Vs.

1. The State of Tamil Nadu
Rep by its Secretary to Government,
Department of School Education,
Fort St. George,
Chennai – 600 009.
2. The Teachers' Recruitment Board,
College Road, Chennai – 600 006,
Represented by its Member – Secretary
3. The Director of School Education,
Chennai – 600 006.

... Respondents



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PRAYER in W.P.:

WEB COPY To issue a Writ of Certiorarified Mandamus, any other writ, direction or order in the nature of writ , calling for the records of the 2nd respondent pertaining to its order in O.Mu.No.34/Aa4/2017 dated 27.01.2017 on its file, quash the same, directing the respondents to appoint the petitioner as Secondary Grade Assistant, otherwise called Secondary Grade Teacher, within a time to be fixed by this Court and thus render justice.

PRAYER in W.M.P.:

To direct the respondents to appoint the petitioner as Secondary Grade Assistant, otherwise called Secondary Grade Teacher, pending disposal of the Writ Petition and render justice.

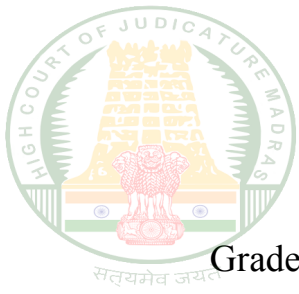
APPEARANCE OF PARTIES:

For Petitioner	: Mr. K.N.Thampi
For Respondents	: Mr.F.Deepak Special Government Pleader

J U D G M E N T

Heard.

2. This writ petition has been filed seeking the issuance of a Writ of Certiorarified Mandamus, to quash the order dated 27.01.2017 issued by the second respondent in O.Mu.No.34/Aa4/2017 and to consequently direct the respondents to appoint the petitioner to the post of Secondary



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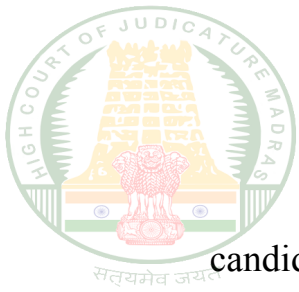
Grade Assistant (otherwise called Secondary Grade Teacher).

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3. The petitioner claims to have passed the Tamil Nadu Teacher Eligibility Test (TNTET), 2013 (Paper I) conducted by the second respondent and secured 100 marks out of 150. She also claims to have obtained all other requisite educational and training qualifications, including the Trained Teachers' Certificate. Her TNTET Certificate, dated 15.09.2014, clearly specifies that the validity period is seven years, i.e., till 15.09.2021. She further avers that pursuant to the results, she was called for certificate verification held on 21.01.2014 at the Government Higher Secondary School, Nagercoil, and was declared eligible for recruitment.

4. However, the second respondent, by letter dated 27.01.2017, informed the petitioner under the Right to Information Act that she had secured lesser marks than the cut-off for Secondary Grade Teacher selection, 2013, and hence was not selected.

5. The petitioner contends that the TNTET is not merely a qualifying examination but a selection test, and once qualified, a



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candidate should be considered for appointment during the period of certificate validity. She further alleges that the cut-off marks of the last selected candidate were not disclosed, raising a reasonable apprehension of arbitrariness.

6. The respondents have filed a counter affidavit and an additional counter affidavit denying the petitioner's claim. In para 5 and 6 and 7 of the additional counter reads as follows:

“ 5. It is submitted the minimum cut-off marks for selection under OC category for the post of Secondary Grade Teacher - 2012-2013 is GT - 77.48 marks and GW - 77.03 marks. Since, the petitioner had secured 67.84 marks she was not considered for selection.

6. It is submitted that the SCERT has examined the authenticity of the T.T.C certificate of the petitioner and has stated that she has taken Malayalam medium from class 10th to TTC and petitioner has passed TET paper – I with Malayalam medium. Therefore, the petitioner can be selected as Secondary Grade Teacher for Malayalam language only. It is further submitted that the petitioner belongs to OC-category. The petitioner was not selected for the post Secondary Grade Teacher as there were no vacancies under the OC category as per Notification No. 06/2014 dated: 21.08.2014 for Malayalam subject.

7. It is submitted that the Government issued Government Order in G.O. (Ms) No. 149 School Education (TRB) Department dated 20.07.2018 which stated that all posts of Secondary Grade Teachers are to be filled only by conducting competitive examination. Based on the Government Order the Board published the Notification in No. 01/2024 for the post of



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Secondary Teacher on 09.02.2024 and the competitive examination was held on 21.07.2024 and the Board is currently engaged in the valuation and publication of results.”

7. As seen from the counter, the recruitment was governed by merit-cum-reservation principles. The petitioner, as admitted in the counter and not rebutted through any supporting material, had secured marks below the prescribed cut-off for her communal category. Her non-selection, therefore, cannot be said to be either arbitrary or discriminatory. The grievance regarding non-disclosure of cut-off marks in the impugned order does not, by itself, warrant interference, particularly when the petitioner has neither assailed the entire selection process nor impleaded any selected candidate alleged to be less meritorious. The contention that TNTET is a selection test and not a qualifying examination is equally misconceived. Further, the Government, through G.O. (Ms) No. 149, School Education Department (TRB), dated 20.07.2018, has categorically stipulated that appointments to the post of Secondary Grade Teacher shall be made only through a competitive examination conducted by the Teachers Recruitment Board. Learned counsel for the petitioner, during the course of arguments, submitted that the writ petition may be disposed of by granting liberty to



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the petitioner to participate in the next recruitment process. This Court is not inclined to make any such affirmative observation. If the petitioner is otherwise eligible and qualified under the applicable rules, it is always open to her to apply in accordance with law.

8. In fine, the Writ Petition is dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

21.07.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS
To

1. The Secretary to Government,
State of Tamil Nadu,
Department of Education Department
Fort St. George,
Chennai – 600 009.
2. The Member - Secretary
Teachers' Recruitment Board,
College Road,
Chennai – 600 006.
3. The Director of School Education,
Chennai – 600 006.



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DR. A.D. MARIA CLETE, J.

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Pre-delivery Judgment made in
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