



W.P.(MD).Nos.19605 of 2018 and 5329 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.06.2025

CORAM

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

W.P.(MD).Nos.19605 of 2018 and 5329 of 2019

and

W.M.P.(MD).Nos.17387 and 17388 of 2018 & 4245 & 4246 of 2019

W.P.(MD).No.19605 of 2018

M.Muthukumar

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
- 3.The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.
- 4.The Chairman,
Teacher Recruitment Board,
4th Floor, E.V.K. Sampath Maligai,
DPI Campus, College Road,
Chennai – 600 006.



W.P.(MD).Nos.19605 of 2018 and 5329 of 2019

5. The Member Secretary,
National Council For Teacher Education,
Hans Bhawan, Wing II,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned proceedings issued by the 1st respondent in G.O.Ms.No.149 School Education (TRB) Department dated 20.07.2018 and to quash the same and consequently directing the respondents to select and appoint the petitioner to the post of BT Assistant based on the method of selection as prescribed in G.O.Ms.No.71 School Education (TRB) Department dated 30.05.2014, followed by certificate verification conducted in July 2017.

For Petitioner	: Mr.G.Shylendra Babu for Mr.F.Deepak
For R-1 to R-4	: Mr.N.Satheesh Kumar Additional Government Pleader
For R-5	: Mr.Su.Srinivasan Central Government Standing Counsel

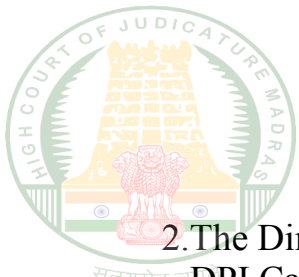
W.P.(MD).No.5329 of 2019

M.Muthukumar

.. Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai – 600 009.



W.P.(MD).Nos.19605 of 2018 and 5329 of 2019

2. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

3. The Director,
Directorate of Most Backward Classes and De-Notified Communities,
Ezhilagam, Chepauk,
Chennai – 600 005.

4. The Chairman,
Teacher Recruitment Board,
4th Floor, E.V.K. Sampath Maligai,
DPI Campus, College Road,
Chennai – 600 006.

5. The Member Secretary,
National Council For Teacher Education,
Hans Bhawan, Wing II,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned notification issued by the 4th respondent in Notification No.01/2019 dated 07.02.2019 and to quash the same and consequently directing the respondents 1 to 4 to select and appoint the petitioner to the post of BT Assistant based on the method of selection as prescribed in G.O.Ms.No.71 School Education (TRB) Department dated 30.05.2014, followed by certificate verification conducted in July 2017.

For Petitioner : Mr.G.Shylendra Babu
for Mr.F.Deepak

For R-1 to R-3 : Mr.N.Satheesh Kumar
Additional Government Pleader



WEB COPY



W.P.(MD).Nos.19605 of 2018 and 5329 of 2019

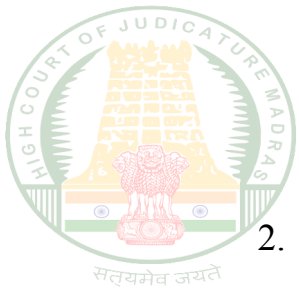
For R-4 : Mr.T.Amjad Khan
Government Advocate
For R-5 : Mr.Su.Srinivasan
Central Government Standing Counsel

COMMON ORDER

Both Writ Petitions have been filed by the same petitioner.

(i) The Writ Petition in W.P.(MD).No.19605 of 2018 has been filed challenging the impugned proceedings issued by the first respondent in G.O.Ms.No.149 School Education (TRB) Department dated 20.07.2018 and consequently, to direct the respondents to select and appoint the petitioner to the post of BT Assistant based on the method of selection as prescribed in G.O.Ms.No.71 School Education (TRB) Department dated 30.05.2014, followed by certificate verification conducted in July 2017.

(ii) The Writ Petition in W.P.(MD).No.5329 of 2019 has been filed challenging the impugned notification issued by the fourth respondent in Notification No.01/2019 dated 07.02.2019 and consequently, to direct the respondents 1 to 4 to select and appoint the petitioner to the post of BT Assistant based on the method of selection as prescribed in G.O.Ms.No.71 School Education (TRB) Department dated 30.05.2014, followed by certificate verification conducted in July 2017.



W.P.(MD).Nos.19605 of 2018 and 5329 of 2019

2. The writ petitioner is an aspirant to the post of BT Assistant and he passed the Teachers Eligibility Test in the year 2017. Subsequently, he was called for certificate verification based on the marks secured by him in the Teachers Eligibility Test. Thereafter, the number of aspirants for appointment increased manifold. Hence, the Government has taken a policy decision to conduct a competitive examination for the eligible candidates for filling up of the vacancies. Accordingly, the Government has also notified the same in G.O.Ms.No.149, School Education (TRB) Department dated 20.07.2018. Subsequently, the Teachers Recruitment Board issued recruitment notification in Notification No.01/2019 dated 07.02.2019. Aggrieved over the same, the present Writ Petitions have been filed.

3. The Division Bench of this Court, in the case of ***M.Parvatham and others Vs. The State of Tamil Nadu and others*** in ***W.P.Nos.26084 of 2023 etc., batch dated 10.07.2024***, has considered the case of similarly placed persons as that of the petitioner herein and observed as follows:

“E. Should the relief be restricted to the parties to this writ petitions alone?”

34. Coming to the last question on whether the relief sought for in these petitions is to be restricted to these petitioners alone, it may be stated that the petitioners in the above writ petitions have all participated in the process of selection in 2017

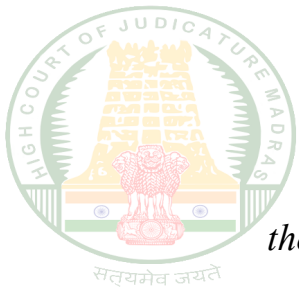


WEB COPY

and subjected themselves to the method of selection then adopted by the State Government. They have been awaiting employment ever since. However, the State Government did not conclude the process of selection and abandoned it midway. Even after GO Ms.No.149 dated 20.07.2018 was introduced, there was nothing to show whether the State Government was commencing any fresh process of selection or what would be the modalities of such selection, or as to whether the said competitive environment would be for selected candidates i.e., in addition to selection made by weightage or it would be sole method of selection. In fact, the Government has not resorted to any recruitment till date. While so, in the judgment of this very Bench dated 02.06.2023 in W.A.No.313 of 2022, and etc., cases, it was held as follows:

“75. The narration of facts which propelled this case would indicate that the teachers have not been appointed for the last ten years inspite of being qualified with a pass in TET. On the basis of the above findings and observations made, the State Government is directed to conduct TET periodically and make direct recruitment of teachers and promotion from among TET qualified candidates at the earliest.”

35. Immediately thereafter, when it was imminent that the State Government would make direct recruitment, the writ petitioners approached this Court with the present reliefs. While



WEB COPY

the petitioners herein are similarly placed to the thousands of candidates who have participated in the process of selection started by the State Government in 2017, what differentiates the writ petitioners from the others is the fact that they approached this Court seeking redressal of their grievances, without waiting in the wings and taking any calculated chance. All the writ petitioners have in some way or the other been consistently approaching the court and that is what sets them apart. While some of the writ petitioners had regularly approached this Court and gone upto the Supreme Court, some of the writ petitioners had challenged GO Ms.No.149 dated 20.07.2018 by way of writ petitions even in the year 2018. Therefore, the writ petitioners are the only persons who approached this Court seeking consideration in appointment on the basis of the selection commenced by the State in 2017. It is further reiterated that all the petitioners in the above writ petitions are similarly placed as they approached this Court well in time i.e., immediately after the observation made by this Bench directing the State Government to make direct recruitment of teachers. The fact that some of the petitioners had gone upto Supreme Court and some others had been approaching this Court at different points of time cannot be a dividing factor among them. On the contrary, it only shows that the petitioners herein are a vigilant lot of citizens and as such, all the petitioners in the above writ petitions from one class by themselves and cannot be equated to fence-sitters or to such persons who have not approached the court. As such, the petitioners before this court are seeking a



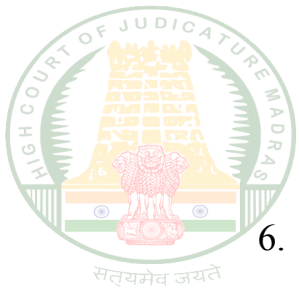
W.P.(MD).Nos.19605 of 2018 and 5329 of 2019

remedy in personam, forming a separate class of persons. The relief claimed in these writ petitions is therefore restricted to these petitioners done.”

Further, the Division Bench has not extended the benefit to all those persons, who have filed impleading petitions in the said Writ Petitions, seeking the relief claimed by other writ petitioners.

4. The learned Single Judge of this Court, in the case of ***Regunath Vs. The State of Tamil Nadu and others*** in ***W.P.(MD).No.19252 of 2024 dated 12.08.2024***, has followed the judgment of the Division Bench and has not extended the benefit to the writ petitioner therein on the ground that the petitioner is a fence-sitter and hence, the Writ Petition is not maintainable.

5. In another Writ Petition in ***W.P.No.22405 of 2018 dated 30.07.2024 (M.Bagavathi and others Vs. The State of Tamil Nadu and others)***, another learned Single Judge of this Court has considered the order of the Division Bench and has taken a view that since the Writ Petition has been filed as early as in the year 2018, the petitioners therein would not fall under the category of fence-sitters and extended the benefit awarded by the Division Bench in ***W.P.Nos.26084 of 2023 etc., batch dated 10.07.2024***.



W.P.(MD).Nos.19605 of 2018 and 5329 of 2019

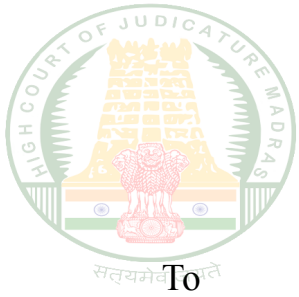
6. In the present case, the learned Additional Government Pleader appearing for the respondents 1 to 3 has brought to the knowledge of this Court that subsequent to passing of G.O.Ms.No.149 dated 20.07.2018, a separate recruitment process was commenced by the Teachers Recruitment Board and the same was also concluded and the posts were also filled up in the year 2023.

7. Since the subsequent development of holding the competitive examinations and selection process has been completed, holding the earlier process of certificate verification for appointment at this point of time is not proper. Hence, I am of the view that the benefit awarded by the Division Bench to the petitioners therein could not be extended to the petitioner herein.

8. Accordingly, the Writ Petitions are dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

10.06.2025

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



W.P.(MD).Nos.19605 of 2018 and 5329 of 2019

To

WEB COPY

1. The Principal Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.
3. The Director of Elementary Education,
DPI Campus, College Road,
Chennai – 600 006.
4. The Director,
Directorate of Most Backward Classes and De-Notified Communities,
Ezhilagam, Chepauk,
Chennai – 600 005.
5. The Chairman,
Teacher Recruitment Board,
4th Floor, E.V.K. Sampath Maligai,
DPI Campus, College Road,
Chennai – 600 006.
6. The Member Secretary,
National Council For Teacher Education,
Hans Bhawan, Wing II,
Bahadur Shah Zafar Marg,
New Delhi – 110 002.



WEB COPY



W.P.(MD).Nos.19605 of 2018 and 5329 of 2019

K.RAJASEKAR,J.

Lm

W.P.(MD).Nos.19605 of 2018 and
5329 of 2019

10.06.2025