



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.11.2025

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THE HONOURABLE MR. JUSTICE C. KUMARAPPAN

Writ Petition No.27211 of 2019

and

W.M.P(MD)Nos.23508 and 23509 of 2019

Vijayalakshmi

... Petitioner

..Vs..

1.The Secretary to Government of Tamil Nadu,
School Education (TRB) Department,
Fort St.George,
Chennai-600 009.

2.The Teachers' Recruitment Board,
Represented by its Member Secretary,
Teachers' Recruitment Board,
E.V.K.Sampath Maligai
College Road,
Chennai-600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in Na.Ka.No.283/T1/L2/2019 dated 30.10.2019 on the file of the respondent No.2 and quash the same as illegal and consequently for a direction directing the respondents to appoint the petitioner as Graduate Assistant with retrospective effect.



For Petitioner : Mr.G.Karthick
For R1 : Mr.M.Sarangan
Additional Government Pleader
For R2 : Mr.T.Amjadkhan,
Standing Counsel

ORDER

The present Writ Petition has been filed challenging the impugned order, dated 30.10.2019, issued by the second respondent vide reference No.2831/TN/L2/209.

2.Heard Mr. G.Karthick, learned counsel appearing for the petitioner, Mr.M.Sarangan, learned Additional Government Pleader appearing for the first respondent and Mr.T.Amjadkhan, learned Standing Counsel appearing for the second respondent.

3.The learned counsel for the petitioner would submit that the petitioner participated in the TET examination held on 12.07.2019 and the minimum mark to pass the TET test is 90, whereas the petitioner was not awarded one mark to become pass. The learned counsel would further submit that the question No.115 itself was wrong. Therefore, she



preferred a writ petition in W.P(MD)No.12784 of 2012 and this Court directed the authorities to give one mark to the petitioner, and based on such direction, the petitioner was declared as pass and certificate was also issued for TET during 2015. It is the specific submission of the petitioner that during 2012, the respondents had appointed the person those who passed in TET test. However, due to the irregular procedure of not awarding one mark to the petitioner, the petitioner was not appointed to the teacher during 2015. If the petitioner had been given one mark during the original valuation, the petitioner would have got appointed as teacher during 2012. Hence, he would contend that the rejection order passed by the second respondent by relying the weightage mark, which practice came to existence at a later point of time, is in contravention to the procedure followed during the year 2012. Therefore, contended that the petitioner's right under Article 14 of the Constitution of India got affected. Hence, he prays to allow this writ petition.

4.The above contention was stoutly objected by the learned Standing Counsel and would submit that initially though teachers were appointed based upon their TET qualification, subsequently due to more competition for that post,the selection procedure changed time to time



and from 2014 onwards they followed the weightage method vide, G.O.Ms.No.149, School Education Department, dated 20.07.2018. Now that all the post had been filled through the written examination from among the holders of the Teachers Eligibility Test. The learned Standing Counsel would further submit that similar prayer was sought for by the similarly placed persons before the Writ Court in W.P(MD)Nos.26084 of 2023 etc., batch, by following a Division Bench judgment. Wherein the Hon'ble Division Bench on 10.07.2024, though granted relief to certain persons, had specifically observed that the appointment should be depend upon their respective merit/ranking as per the weightage method and their TET scores, and by applying the rule of reservation. The learned Standing Counsel would further submit that since the present petitioner had secured less than required minimum cut off mark, she did not come within the zone of consideration. Hence, contended that her request is liable to be rejected.

5.I have given my anxious consideration to the submission made on either side.



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6.The main submission put forth by the learned counsel for the petitioner is that, if there had been a proper valuation during 2012, she could have secured an appointment based upon her mere pass in the TET test. Only because of the delay on the part of the respondent in giving correct weightage mark, she was not in a position to secure the appointment. Therefore, he would contend that she is eligible for such appointment without undergoing any further test.

7.However, while looking at the facts of the case, as rightly contended by the learned Standing Counsel, though initially the appointment took place based upon the TET mark, subsequently because of the demand for the post, they followed weightage mark from 2014 onwards and during 2018, the Government issued G.O.Ms.No.149, dated 20.07.2018 enabling to select the candidate through separate written examination. In the case in hand, as rightly contended by the learned counsel for the petitioner, though the petitioner has participated in the TET examination, after filing the writ petition and other formalities, she was given pass in TET only during 2015.



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8. In the meanwhile, the Government has changed the policy for the Teachers Test and admittedly since 2014 the Government has been following the weightage mark. In the case in hand, while looking at the impugned order, the respondents did not deny the petitioner's appointment outrightly, however they mentioned that the petitioner come within the B.W category, whereas under B.W category, the minimum weightage mark is 60.72, whereas the petitioner secured only 59.50. Therefore, from the impugned order it is amply clear that the petitioner did not come within the zone of consideration.

9. Though it was contended by the learned counsel for the petitioner that she must be appointed based upon the TET mark, in this regard, it is appropriate to refer the judgment of the Hon'ble Division Bench, in W.A(MD)No.1310 of 2025, wherein the Hon'ble Division Bench referred the another Division Bench judgment in W.P(MD)No. 26084 of 2023, etc., batch dated 10.07.2024 and held as follows. The relevant portion of the judgment is extracted hereunder:

“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 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



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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.”

10. While reading the above ratio, it is amply clear that notwithstanding TET mark, the appointment should be made based upon the mark / rank as per the weightage mark method. In the case in hand, the petitioner was given pass in TET only during 2015. At that relevant point of time, the Government followed the weightage mark and even according to the judgment of the Division Bench, such practice was approved by this Court. As stated supra, the petitioner did not come within the zone of consideration, as she got less than required weightage mark.

11. In view of the above detailed discussion, this Court is of the view that non-consideration of the petitioner for the post is well merited and this Court absolutely does not find any infirmity in the impugned order. Hence, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

04.11.2025

Index::Yes/No

Ncc:Yes/No

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To

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- 2.The Teachers' Recruitment Board,
Represented by its Member Secretary,
Teachers' Recruitment Board,
E.V.K.Sampath Maligai
College Road,
Chennai-600 006.



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C.KUMARAPPAN,J.
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