



W.P.(MD)No.27012 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.27012 of 2023
and
W.M.P.(MD).No.23188 of 2023

B.Hemavathy

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Through its Secretary,
Educational Department,
Fort. St. George, Chennai

2.The Secretary,
TET 2013,
Teachers Recruitment Board,
Chennai – 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, directing the respondents to declare one post of Bachelor of Teaching Assistant (BT Assistant) in Physics / Science Educational Department for the petitioner against the notification dated 26.10.2023 published by the second respondent 2023 based on considering the petitioner's clearance Certificate of the TNTET - Teachers Eligibility Test August 2013 in Roll Number 13TE22207700 dated 21.12.2014 issued by the second respondent



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and also clearance of the petitioner's Original Certificates Verification dated 09.05.2014 conducted by the second respondent within a stipulated time that may be fixed by this Court.

For Petitioner	: Mr.G.Kavitha
For R-1	: Mr.Shaji Bino, Special Government Pleader
For R-2	: Mr.T.Amjad Khan, Standing Counsel

ORDER

This writ petition has been filed seeking for a declaration to declare one post of Bachelor of Teaching Assistant (BT Assistant) in Physics / Science in the Education Department for the petitioner against the notification dated 26.10.2023 published by the second respondent, based on the petitioner's clearance Certificate of the TNTET - Teachers Eligibility Test August 2013 in Roll Number 13TE22207700 dated 21.12.2014 issued by the second respondent and also clearance of the petitioner's Original Certificates Verification dated 09.05.2014 conducted by the second respondent within a stipulated time that may be fixed by this Court.



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2. The petitioner has cleared Teacher Eligibility Test in the year 2013.

She claims that since she has passed the Teacher Eligibility Test, she is entitled to be appointed to the post of B.T. Assistant. However, according to her, despite her eligibility, she has not been appointed to the said post. In the mean time, the respondents have come forward with the notification dated 26.10.2023 seeking for recruiting the persons to the post of B.T. Assistant in Physics / Science. The issue relating to the said recruitment was the subject matter of consideration by the Division Bench of this Court in a batch of writ petitions before the Principal Seat, viz., W.P.No.26084 of 2023 etc batch. The Division Bench, by its order dated 10.07.2024, in its operative portions, viz., Paragraph Nos.36, 37 and 38 has held as follows:

“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



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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 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.”



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3. The learned counsel during the course of her submissions, has also submitted that the petitioner had waited for the outcome of the Division Bench in the aforesaid batch of writ petitions and that is the reason as to why the petitioner was not a party to those proceedings before the Principal Seat in the batch of writ petitions decided by the Division Bench on 10.07.2024. As seen from the decision of the Division Bench dated 10.07.2024 referred to supra, it has been made clear by the Division Bench that only the persons, who are otherwise eligible for appointment as per the eligibility criteria laid down by the NCTE, are entitled to be appointed as Teachers depending on their respective merit / ranking as per the weightage method and their TET scores, applying the rule of reservation. In fact, the Division Bench while passing the final order on 10.07.2024, had also dismissed the impleading petitions filed by other interested persons, who were also seeking to be appointed as B.T. Assistants claiming that they are similarly placed persons. The Division Bench held that the impleading petitions filed by them is thoroughly misconceived and the same deserves to be dismissed with the exemplary costs. However, the Division Bench refrained from imposing any costs.



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4. The learned Standing Counsel appearing for the second respondent has also placed on record the Division Bench judgment dated 02.06.2025 passed by the Madurai Bench of this Court in the case of ***X.Arockiamary Vs. the Secretar to Government, Department of School Education, Secretariat, St.George Fort, Chennai-600 009 and others*** in ***W.A.(MD).No.1310 of 2025***, wherein also the cause of action dated back to the year 2013-2014, as in the instant case, when the petitioner passed the TET examination, the Division Bench held that since the petitioner has not challenged the subsequent Government Orders, which includes the Government Order, viz., G.O.(Ms).No.149, School Education Department, dated 20.07.2018, the appellant therein, who is a writ petitioner, deserves to be non-suited on the ground of laches and on that ground the writ appeal filed by the writ petitioner was dismissed. The learned Standing Counsel appearing for the second respondent also brought to the notice of this Court the order dated 09.01.2025 passed in the writ petition filed by X.Arockiamary, which was the subject matter of consideration by the Division Bench. The learned Single Judge, while dismissing the writ petition, has made it clear that the petitioner therein was only a fence-sitter and therefore, the Division Bench Judgment dated 10.07.2024 will not apply to the case of the petitioner therein. The petitioner herein is similarly placed as that of X.Arociamary and she is also a Fence-sitter and she is agitating her rights in



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respect of a cause of action, which arose in the year 2013-2014 itself, when the

petitioner passed the TET examination.

5. For the foregoing reasons, there is no merit in the writ petition and accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

29.10.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Secretary,
Government of Tamil Nadu,
Educational Department,
Fort. St. George, Chennai

2.The Secretary,
TET 2013,
Teachers Recruitment Board,
Chennai – 600 006.



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ABDUL QUDDHOSE, J.

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