



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

CORAM

THE HON'BLE MS. JUSTICE P.T. ASHA

WP No. 19171 of 2026

and WMP Nos.20443, 20445 and 20448 of 2026

S. Muthamizh Selvan

..Petitioner(s)

Vs

1. The State of Tamil Nadu
Represented by its Principal Secretary
School Education, Fort St. George
Chennai 600009.
2. The Director of Elementary Education,
DPI Campus, College Road,
Chennai 600 006.
3. The District Educational Officer (Elementary),
Ariyalur Educational District,
Ariyalur District.
4. The Block Educational Officer,
T.Palur Block,
Ariyalur District.

..Respondent(s)

PRAYER: Writ Petition has been filed under Article 226 of Constitution of India praying to issue a writ of Certiorarified mandamus calling for the records of the Respondent of the 2nd Respondent in Na.Ka.No.00891/D1/2026 dated 02.04.2026 and quash the same and accordingly direct the respondents , to draw year wise panel for the promotion to the post of BT Assistant from the post of Secondary Grade Teacher for the vacancies for the years 2022 and 2023 by including those who qualified with TET as on 1.1.2022 and 1.1.2023 and by strictly following G.O.Ms.no. 12 dated 13.01.2020 as it stood prior to the



Amendment in G. O.Ms. No. 243 School Education 21.12.2023 by considering each panchayat as one unit for promotion and accordingly grant promotion to the petitioner if they come within the zone of consideration

For Petitioner(s): Mrs. Dakshayani Reddy, Senior Counsel
for Mrs.S.Suneetha

For Respondent(s): Mr.K.Sathish, Government Advocate

ORDER

Challenging the proceedings issued by the second respondent dated 02.04.2026, the petitioner are before this Court.

2. The petitioner would submit that they have qualified the TET on the crucial date. The first respondent had issued a government order G.O.Ms.No.12, School Education [EE1(1)] Department dated 13.01.2020 whereby TET was made compulsory but not for promotion.

2.1. In the year 2022, the Commissioner of School Education issued a proceedings dated 30.06.2022, proposing to conduct promotion counselling for the posts of B.T.Assistant from the post of Secondary Grade Teacher, without insisting upon the TET qualification as a prerequisite. This proceedings were challenged in a batch of writ petitions in W.P.No.17895 of 2022, etc., batch. This Court, ultimately held that the TET is an essential qualification even for teachers appointed prior to the notification of the Right of Children to Free and Compulsory Education Act, 2009, (hereinafter referred to as 'RTE Act') and



also for promotion and consequently, the proceedings dated 30.06.2022 was quashed.

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2.2. This judgment was taken up on appeal in W.A.No.313 of 2022 etc., batch and the Division Bench of this Court had also upheld the order of the Single Bench by contending that the TET requirement is essential even for the promotional vacancies. A further appeal to the Hon'ble Supreme Court in Civil Appeal No.1389 of 2025 also went against the State. The Apex Court, apart from confirming the order, had held that even teachers currently in service are required to qualify in the TET and granted a period of two years for qualifying the same.

2.3. The petitioner would submit that by reason of pendency of these proceedings, the promotion process remained pending from the year 2022 and therefore, no promotion counselling has taken place in the panel years 2022, 2023, 2024 and 2025. The respondents have also failed to initiate any promotion counselling.

2.4. Though the respondents have been conducting the general transfer counselling, no steps have been taken to conduct the promotion counselling. After the decision of the Hon'ble Supreme Court, the State appears to have taken a decision to conduct a special Teachers Eligibility Test (TET) for

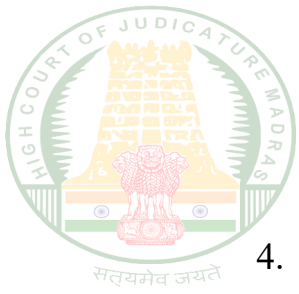


working teachers. However, it is the contention of the petitioner that this cannot be a ground for stalling the promotion counselling. The petitioner would contend that they are fully eligible and awaiting promotion.

2.5. The petitioner putting all these facts into perspective had submitted the representations seeking conduct of the promotion counselling to the post of B.T.Assistant by preparing a year-wise panel in accordance with law. Since the representations were not being considered, the petitioner had filed a writ petition in W.P.No.46598 of 2025 where they had got an order directing the respondents to pass orders on the petitioner's representations. Ultimately, the respondents have passed the impugned order. Challenging the same, the petitioner are before this Court.

2.6. However, it is fairly conceded by the learned senior counsel for the petitioner that with reference to the panel to be prepared post 21.12.2023, the respondents shall follow the government order in G.O.Ms.No.243, dated 21.12.2023.

3. Though a counter has not been filed by the respondents, the learned Government Advocate appearing for the respondents had made his submissions since the issue involved is purely legal and based on earlier orders and therefore this Court has proceeded to pass orders.



4. Heard the learned counsel on either side and perused the materials available on record.

5. The National Council for Teacher Education (hereinafter referred to as “NCTE”) in exercise of powers conferred under Section 23(1) of the RTE Act had issued a notification dated 23.08.2010, prescribing minimum qualification for a person to be eligible for appointment as a Teacher in Class I to III in a school with effect from the date of notification. The minimum qualification is a pass in TET for appointment as Teacher for Classes I to V and VI to VIII. But, Clause 5 of the NCTE Regulations provided that where the initiation of process for appointment of teachers was made prior to the date of this notification, the same has to be made in accordance with the NCTE (Determination of Minimum Qualifications for recruitment of Teachers in Schools) Regulations, 2001.

6. By notification dated 29.07.2011, an amendment was brought to the notification dated 23.08.2010. However, Clause 5 of the notification dated 23.08.2010 was retained as Clause 5(a). Accepting the above recommendation and notification issued by the NCTE, the Government of Tamil Nadu had issued G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011. However, while issuing the aforesaid government order, the first respondent



failed to take note of the Clause 5 of NCTE notification dated 23.08.2010 was retained as Clause 5(a) by the amendment dated 29.07.2011 and thus, its benefit was extended to the teachers appointed prior to the notification dated 29.07.2011. The NCTE Regulations, 2001, did not make TET compulsory and therefore, the teachers appointed prior to 29.07.2011 did not have to pass TET.

7. The first respondent had issued a government order G.O.Ms.No.12, School Education [EE1(1)] dated 30.01.2020 framing Special Rules for the Tamil Nadu Elementary Education Subordinate Service in supercession of the Rules contained in the Tamil Nadu Services Manual, 2016. The mode of appointment was specified by (i) Promotion, (ii) Transfer and (iii) Direct Recruitment. This was followed by G.O.Ms.No.13, School Education [S.E.3(1)] Department, dated 31.01.2020, where Special Rules for Tamil Nadu School Educational Subordinate Service were framed. This related to the appointment of several classes and categories of service. One among the said categories of service is the post of Graduate Teacher Tamil and other subjects constituting the Classes II, III and IV and the mode of appointment are by Direct Recruitment or by Promotion. The Schedule for the conduct of the promotion counselling was also issued by the second respondent *vide* proceedings dated 30.06.2022, where TET was not made compulsory for appointment by Promotion.

8. Thereafter, the amendment was brought about to the RTE Act *vide*



RTE Amendment Act, 2017, and the period of acquiring the minimum qualification was extended by further period of four years *ie.*, before 31.03.2015. Therefore, it is clear that possessing the TET qualification was mandatory. Thereafter, the Commissioner of School Education had issued proceedings dated 30.06.2022 proposing to conduct the promotion counselling without insisting on TET. This proceedings was challenged before this Court in W.P.No.17895 and 19587 of 2022. By an order dated 20.10.2022, this Court had held that as per the RTE Act, 2009, RTE Amendment Act, 2017, RTE Rules, 2011 and the Notifications of NCTE, TET is mandatory for all the teachers who are in service on the date of commencement of the Act. This judgment was confirmed by order dated 02.06.2023 of the Division Bench of this Court in W.A.No.313 of 2023 etc batch and confirmed by order dated 01.09.2025 by the Hon'ble Supreme Court in Civil Appeal No.1389 of 2025 batch.

9. Despite the above, it is seen that the respondents have not proceeded to hold the promotion counselling. Since the orders of the Hon'ble Supreme Court have not been complied, papers would reveal that the contempt petition was filed before the Hon'ble Supreme Court in batch of cases in *CONMT. PET.(C).No.404 of 2022 in CONMT.PET.(C).No.638 of 2017 in C.A.No.4954 of 2016*. The Hon'ble Supreme Court directed the State Government to complete the exercise of finalising the seniority lists of selection

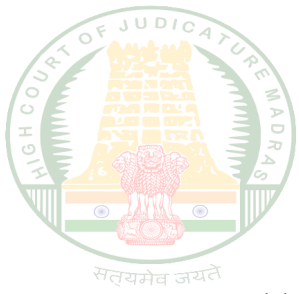


processes conducted after 10th March, 2003 and seniority shall be reckoned only on the basis of merits as determined by the TNPSC in the selection process. The State was further directed to complete the said exercise within a period of three months from that day. This order also appears to have been observed in the breach.

10. In the case of *Anjuman Ishaat-e-Taleem Trust vs State of Maharashtra* reported in *2025 SCC OnLine SC 1912*, the Hon'ble Supreme Court had extended the time for qualifying for TET by a period of two years from 1st September 2025. This order was sought to be reviewed in Review Petition (Civil) Diary No.53434 of 2025. Ultimately, the Hon'ble Supreme Court has passed the following order:

*“33. Appreciating that the TET examination must be conducted by the relevant authorities expeditiously as well as the time and resources required for the same are limited, we alter and extend the timeline granted in paragraph 217 of **Anjuman** (supra) for in-service teachers to acquire the TET qualification from 2 (two) to 3 (three) years, i.e., the qualification has to be obtained by 31st August, 2028 instead of 31st August, 2027, as originally directed.*

34. Needless to observe, it shall also be the endeavour of the respective States and the competent authorities to conduct the TET periodically, and preferably twice every year, interspersed with an approximate period of six months between the successive examinations, so as to afford eligible teachers a reasonable opportunity to comply with the



statutory requirement.”

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11. In the light of the order dated 29.05.2026 passed in Review Petition (D) No.53434 of 2025 absolutely there is no impediment for proceeding with the promotion counselling. It is also seen that the Government issued an order in G.O.Ms.No.243, School Education Department dated 21.12.2023 amending the G.O.Ms.No.13, *supra*, by mandating that the unit for appointment would be the entire State. Therefore, it appears that the Government had framed special rules for Tamil Nadu Elementary Education Subordinate service in and by which the unit for appointment which was till then Panchayat Union was amended to be the entire State. The amendment in terms of G.O.Ms.No.243 dated 21.12.2023 would come into effect from 01.01.2024. Therefore, all the panels which are drawn after the issuance of this government order shall alone be governed by this government order. Therefore, the respondents are directed to conduct the year wise promotion counselling as mentioned above.

Accordingly, this writ petition is disposed of. Consequently, connected miscellaneous petitions are closed. No costs.

09-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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P.T.ASHA, J.

ssa

To

1.Principal Secretary,
The State of Tamil Nadu
School Education,Fort St. George
Chennai 600009.

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

3.The District Educational Officer (Elementary),
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