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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WA No. 1567 of 2026

and

CMP No. 14568 of 2026

1. A.Shanthi Malar
D/o.Amalraj,
168/4, Femina Nagar,
Kalaiyar Kovil,
Somanathamangalam,
Sivagangai 603 551
Sivagangai District.
2. C.Jayaprabavathi
D/o.K.Celvamani,
Kenal Salai, Nemeli Road,
Salt Company Via,
Tiruporur 603 110,
Chengalpattu District.

..Appellant(s)

Vs

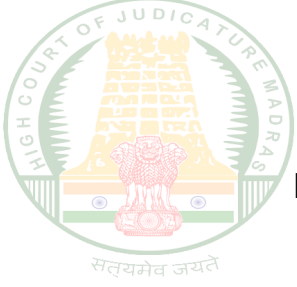
1. Union Of India
Rep By Its Secretary To Government,
Ministry Of Human Resources Department
Department Of School Education And Literacy,
Room No.312-C, Wing
Shastri Bhawan,
Rajendra Prasad Road,
New Delhi-110 001.
2. The State Of Tamil Nadu
Rep By Its Principal Secretary To Government,
School Education Department,
Fort St. George,
Secretariat,
Chennai- 009.



3. The Secretary
Teachers Recruitment Board,
Puratchi Thalaivar Dr. MGR Centenary
Building,
3rd and 4th Floor,
College Road,
Nungambakkam,
Chennai- 006.
4. The Project Director
Inclusive Education For Disabled At Secondary
Stage (IEDSS),
Directorate of Education,
Government of NCT Of Delhi,
Amrita Shergil School Building,
Behind Lady Shri Ram College,
Lajpat Nagar- IV,
New Delhi- 110 024.
5. The Member Secretary
The Rehabilitation of Council Of India,
B-22, Qutab Institutional Area,
New Delhi- 110 016.
6. V.Mohanasundaram
S/o.K.E. Venkatesan,
3/912, Police Line Street,
R.K.Pet 631 303,
Tiruvallur District.
7. C.C.Haribabu
S/o.C.Chidambaram,
3/883, Gandhi Nagar,
R.K.Pet 631 303
Tiruvallur District.

..Respondent(s)

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order passed by the Honble Court, Madras in WP No.3213 of 2024 dated 14.02.2024 and to pass such further or other orders as this Honble Court.



For Appellant(s):

Mr.G.Sankaran, Senior Counsel
for Mr.S.Nedunchezhiyan

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For Respondent(s):

Judgment**(Judgment of the Court was delivered by S.M.Subramaniam J.)**

The present intra Court Appeal has been instituted challenging the writ order dated 14.02.2024 passed in W.P.No.3213 of 2024.

2. The writ petitioner is the appellant before this Court. Recruitment notification was issued on 25.10.2023 for recruitment to the post of Graduate Teachers/ Block Resource Teacher Educator (BRTE) in School Education Department. ,The appellant submitted his application and participated in the selection process. Subsequently, the Teachers Recruitment Board issued an Addendum vide Notification No.03A/2023 dated 15.11.2023. Notifications are issued in the Addendum for selection to the post of Graduate Teachers (IEDSS) and the total vacancies are 144. These are posts to appoint the special teachers to impart education to special children. The qualification of Graduate Teachers (IEDSS) are prescribed as under:

Candidates should possess Graduation with at least 50% marks and B.Ed., (Special Education) from a recognized university. The qualification prescribed for the post should have been obtained by passing the required qualification in the order of studies 10th + HSC or its equivalent + UG degree + B.Ed., degree. The B.Ed. (Special (Education) Degree



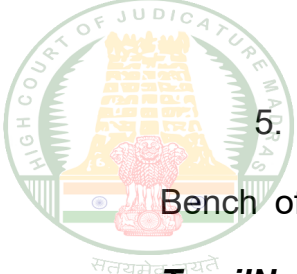
should be obtained with specialization in VI (Visual Impairment)/ HI (Hearing Impairment)/ MR (Mental Retardation) and Qualified in TETET Paper-II

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Note: For the above mentioned vacancies, 40% vacancies will be reserved for persons who studied B.Ed., Special education with specialization in Visual Impairment. 40% vacancies will be reserved for persons who studies B.Ed., special education with Specialization in Hearing Impairment. 20% vacancies will be reserved for persons who studied B.Ed. Special Education with specialization in Mental Retardation.

3. Admittedly, the Service Rules have not been framed for the post of Special Teachers i.e., Graduate Teachers (IEDSS).

4. Learned Senior counsel appearing on behalf of the appellant would mainly contend that the appellant submitted an application initially based on the original notification and participated in the process of selection. Since she is eligible for the post of Graduate Teacher but did not possess the graduation with atleast 50% marks in B.Ed., (Special Education), she has chosen to file the writ petition challenging the said clause mainly on the ground that there is no prescription of minimum marks under the Central Scheme and therefore, her case is to be considered for selection to the post of Graduate Teacher (IEDSS).



5. It is contended that the similar issue was considered by the Division Bench of this Court in the case of ***T.Sudarmani and others vs. State of TamilNadu*** in W.A.No.3366 of 2024 dated 17.05.2024.

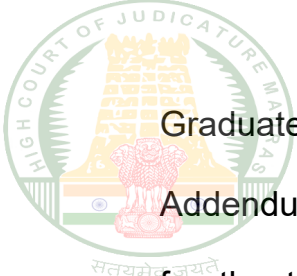
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6. Since the Central Scheme does not prescribed any minimum marks for selection and appointment to the post of Special Teacher, prescription of 50% marks in graduation is contrary to the Central Scheme and therefore, the case of the appellant is also to be considered for selection to the post of Graduate Teacher (IEDSS).

7. He would rely on the National Council for Teachers Education Notification to show that reservation of 5% alone is the qualification prescribed.

8. The writ Court has considered the issues and made a finding that so far no Rules have been framed and in the absence of Rules, the authorities have prescribed minimum 50% marks in graduation as eligibility, which cannot be found fault with.

9. The writ Court further found that the clause in the notification itself came to be challenged after a period of two months from the date of Addendum Notification and prescription of 50% marks in the absence of rules, cannot be held invalid. The original recruitment is for selection to the post of



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Graduate Teachers/ Block Resource Teacher Education (DRTE) and Addendum was issued for selection to the post of Graduate Teacher (IEDSS) for the total vacancies of 144 and the prescribed qualification is that the candidate should possess the graduation with atleast 50% mark and B.Ed Special Education from the recognised University. The prescription of such qualification by employer cannot be found fault with and such prescription is not in violation of any rules. Admittedly, no rules are in force for selection and appointment to the post of Graduate Teacher (IEDSS).

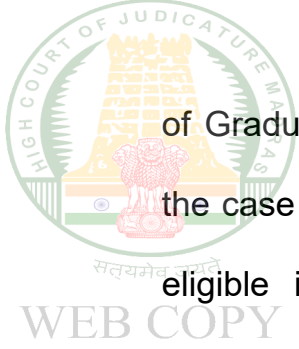
10. This Court considered the submissions made between the parties.

11. The prescription of educational qualification, eligibility criteria and other qualifications for selection and appointment is the prerogative of an employer. If any such qualifications notified in the selection process in violation of any of the provisions of the statutes or rules, then alone the Court can interfere but not otherwise. In the present case, admittedly, no rules have been framed for selection and appointment to the post of Graduate Teacher (IEDSS). The Special Teachers are appointment to impart education to the special children in Schools. Under those circumstances, the competent authority prescribed the qualification for Graduate Teacher (IEDSS). Regarding reservation, the Addendum notification Clause 2(iv) states that 40% vacancies should be reserved for persons who studied B.Ed., Special Education with specialization in Visual impairment. 40% vacancies will be



reserved for persons who studied B.Ed., Special Education with Specialization in Hearing Impairment. 20% vacancies will be reserved for persons who studied B.Ed. Special Education with specialization in Mental Retardation. However, the minimum qualification prescribed is that a candidate should possess graduation of atleast 50% marks and B.Ed., (Special Education) from recognised University. The prescription of such minimum qualification cannot be construed as unconstitutional or in violation of any of the statutory provisions, in the present case, since no rules are in force. Prescription of 50% marks in graduation cannot be construed as unreasonable in selection process, more specifically, for teachers. It is the prerogative of the employer/State and considering various factors and the nature of the job in the present case, imparting education to special children , the authorities prescribed minimum qualification of graduation with 50% of marks.

12. The writ Court considering all these aspects and found that the appellant has not established any acceptable ground . The judgment relied on by the appellant are factually distinguishable, since in the said case, the special rules were in force and relying on the special rules, the Court decided the issue. Thus, the said judgment is of no avail to the appellant for securing the relief in the present case. The appellant has already participated in the process of selection for the post of Graduate Teacher/Block Resource Teacher Educators(BRTE) and the present writ petition is filed only questioning the prescription of minimum qualification for selection to the post



of Graduate Teacher (IEDSS). Though the application is one and the same, the case of the appellant is to be considered only for the post for which he is eligible in accordance with the recruitment notification and as per the educational qualification prescribed.

13. With these observations, the Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
18-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

VSI

To

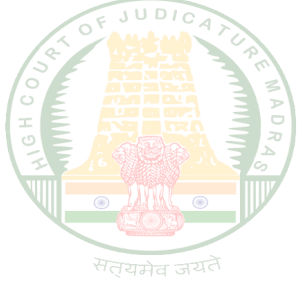
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2. The Principal Secretary to Government,
School Education Department,
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3. The Secretary
Teachers Recruitment Board,
Puratchi Thalaivar Dr. MGR Centenary



Building,
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Inclusive Education For Disabled At Secondary
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Amrita Shergil School Building,
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**S.M.SUBRAMANIAM J.
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