



WEB COPY

WP No. 30300 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-06-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 30300 of 2023

and

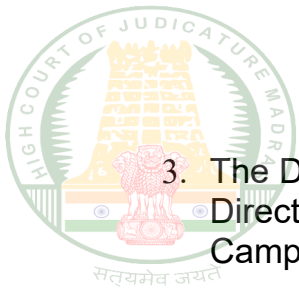
W.M.P.Nos.29889, 29890 & 29891 of 2023

1. P.Vetrivel
S/o K. Periyasamy Secondary Grade Teacher,
Panchayat Union Middle School Thirunalur
North Aranthangi Block, Pudukkottai District,
2. Muthamizh Selvam
S/o Saminathan Secondary Grade Teacher,
Panchayat Union Middle School,
Kaduvettankurichi T. Palur Block,
Ariyalur District
3. S. Vignesh
S/o Selvamani Bt Assistant (english)
Government Model Higher Secondary School,
Aranthangi, Pudukkottai District
4. V. Kalaivanan
S/o Veeraraghavan Bt Assistant (english)
Government High School, Nochili,
Thiruvallur District.

..Petitioner(s)

Vs

1. The State Of Tamilnadu
Rep By Its Principal Secretary To Government,
School Education (ee1 (1) Department,
Fort St. George Chennai 600 009
2. The Commissioner Of School Education
Directorate Of School Education, DPI
Campus, College Road, Chennai 600 006



3. The Director Of School Education
Directorate Of School Education, DPI
Campus, College Road, Chennai 600 006

4. The Director Of Elementary Education
Directorate Of Elementary Education, DPI
Campus College Road, Chennai 600 006

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration, declaring that the Special Rules for the Tamilnadu Elementary Education Subordinate Service issued in GO Ms. No 12 School Education (EE1(1)) Department dated 30.01.2020 insofar as it prescribes a pass in Teacher Eligibility Test (TET) only for direct recruitment for the post of headmaster / Headmistress of Middle School and Headmaster / Headmistress of primary school and not for promotion thereto in Annexure Class 1(1) category 2 and class 1(iii) category 1 respectively, are illegal being ultravires the Right of Children to Free and Compulsory Education Act 2009 and the Rules framed thereunder and the NCTE Notification dated 23.08.2010 and 29.07.2011 and for the consequential direction to the respondents to hold that a pass in TET is mandatory eligibility criterion for the appointment to the post of headmaster / head mistress Primary school and Middle School by promotion as well as direct recruitment.

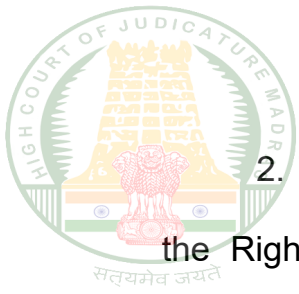
For Petitioner(s): Mr.R.Ramachandran

For Respondent(s): Dr.R.Gouri,
Government Counsel for R1 to R4

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

Writ of Declaration has been instituted to declare the Special Rules for TamilNadu Elementary Education Subordinate Service issued in G.O.Ms.No.12 School Education (EE1(1)) Department dated 30.01.2020.



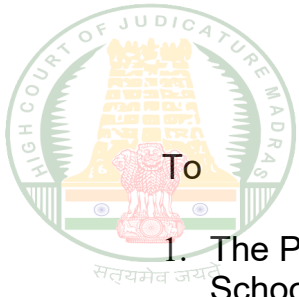
2. The issues are no more *res integra*. In the context of Section 23 of the Right of Children to Free and Compulsory Education Act, 2009, the Hon'ble Supreme Court of India ruled that passing of Teacher Eligibility Test (TET) is mandatory to hold the teaching post in the Education Department. The directives issued by the National Council for Teachers Education prescribing Teacher Eligibility Test has been validated by the Hon'ble Supreme Court of India. That being the factum, the relief as such sought for, in the present writ petition, cannot be considered by this Court.

3. Learned Government Counsel would submit that necessary actions are taken for appropriate orders/amendments in the rules. This Court made it clear that such actions are to be initiated as expeditiously as possible in order to avoid any further unnecessary claims from unqualified teachers who does not possess TET qualification.

4. With these observations, the Writ Petition stands disposed of. No costs. Consequently, W.M.P.No.29889 of 2023 is ordered on payment of separate court fee and C.M.P.Nos.29890 & 29891 of 2023 are closed.

(S.M.S.,J.) (N.S.,J.)
04-06-2026

vsi



To
1. The Principal Secretary To Government,
School Education (EE1 (1) Department, Fort
St. George Chennai 600 009

2. The Commissioner Of School Education
Directorate Of School Education, DPI
Campus, College Road, Chennai 600 006

3. The Director Of School Education
Directorate Of School Education, DPI
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AND
N.SENTHILKUMAR, J.**

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