



WEB COPY

WP No. 30308 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. 30308 of 2023

and W.M.P.Nos.29895, 29896 & 29898 of 2023

1. S.Vignesh
S/o.Selvamani, BT Assistant (English)
Government Model Higher Secondary School,
Aranthangi, Pudukkottai District.
2. V.Kalaivannan
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

..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 Tamil nadu Educational Service dated 09.06.1978 issued by the 1st respondent insofar as it does not prescribe a pass in Teacher Eligibility Test (TET) as part of the essential qualifications / eligibility criteria for the post of Headmaster /



Headmistress high school Appointed from among Graduate Teacher / BT Assistant by recruitment by transfer as prescribed in the rules 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 a Graduate Teacher / BT Assistant to be appointed as Headmaster / Headmistress of High School

WP No. 30308 of 2023

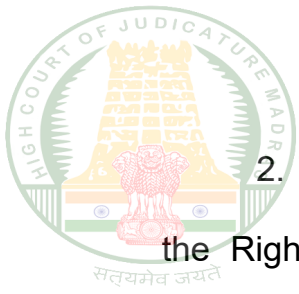
For Petitioner(s): Mr.R. Ramachandran

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 that the Special Rules for the Tamil Nadu Educational Service dated 09.06.1978 issued by the 1st respondent insofar as it does not prescribe a pass in Teacher Eligibility Test (TET) as part of the essential qualifications / eligibility criteria for the post of Headmaster / Headmistress High School appointed from among Graduate Teacher / BT Assistant by recruitment by transfer as prescribed in the rules 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 a Graduate Teacher / BT Assistant to be appointed as Headmaster / Headmistress of High School



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.

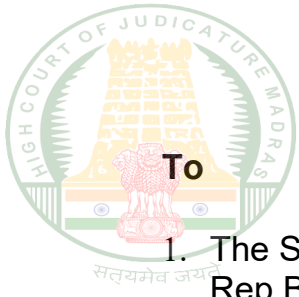
3. Learned Government Counsel would submit that necessary actions are taken for appropriate orders/amendments in the rules. This Court made it clear that such actions are to be initiated as expeditiously as possible in order to avoid any further unnecessary claims from unqualified teachers who does not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

4. With these observations, the Writ Petition stands disposed of. No costs. Consequently, W.M.P.No.29895 of 2023 is ordered on payment of separate court fee and C.M.P.Nos.29896 & 29898 of 2023 are closed.

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

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

VSI



- To
1. The State Of Tamilnadu
Rep By Its Principal Secretary To Government,
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**S.M.SUBRAMANIAM J.
AND
N.SENTHILKUMAR J.**

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