
(2014) 11 MAD CK 0155

In the Madras High Court

Case No : Writ Petition(MD) No. 17679 of 2014

J.S. Sumathi Vinoliya

APPELLANT

Vs

The Secretary to Government

RESPONDENT

Date of Decision : 03-11-2014

Acts Referred:

Citation : (2014) 11 MAD CK 0155

Hon'ble Judges : T. Raja, J

Bench : Single Bench

Judgement

T. Raja, J.—This writ petition has been filed by the petitioner/J.S.Sumathi Vinoliya, seeking issuance of a Writ of Mandamus, directing the respondents to select and appoint her to the post of Graduate Assistant (B.T. Assistant) in the discipline of Zoology in pursuance of the Memorandum No. 2555/A2/2009, dated 30.04.2010, on the basis of the certificate verification done on 14.05.2010 without insisting her to appear for Teacher Eligibility Test.

2. Today, when the matter is taken up for hearing Mr.S.Kumar, learned Additional Government Pleader appearing for the respondents submitted that the claim of the petitioner has already been negated by this Court in similar writ petitions in W.P.Nos. 19588 of 2013 etc. batch, dated 23.09.2013, wherein in paragraph Nos. 151 and 152, it has been held as follows:-

"151. Therefore, if the plea of the petitioners herein is accepted, then more than about 20,000 persons could enter without having the minimum qualification of TET as prescribed in RTE Act read with NCTE Regulations. This Court cannot issue such a direction to appoint them contrary to the statutory provisions and the constitutional mandate as held by the Apex Court in Rakhi Ray and Others Vs. The High Court of Delhi and Others, in view of the aforesaid reasons.

152. In the result, all these writ petitions fail and the same are dismissed. No costs. Consequently, connected miscellaneous petitions are closed."

3. Moreover, the claim of the petitioner which has been made on the basis of an order passed by the Hon''ble Division Bench in Review Application No. 139 of 2012 in W.A.No. 1201 of 2012 also has been stayed by the Hon''ble Apex Court in S.L.P. (Civil) Nos. 3860 & 3861 of 2014, on 31.01.2014, in the case of State of Tamil Nadu, Rep. by Secretary and Others Vs. T.S.Anbarasu and Others.

4. In view of the above, this writ petition is dismissed. No costs.