

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.07.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.20991 of 2016

and

W.M.P.Nos.34833, 16198 & 17962 of 2016

T.Joyce Sugantha Rani

... Petitioner

Vs.

1. The Secretary to Government,
Educational Department,
Government of Tamilnadu,
Fort St. George,
Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Chennai - 600 006.
3. The District Elementary Educational Officer,
Tirunelveli.
4. The Assistant Elementary Educational Officer,
Alangulam Range,
Alangulam,
Tirunelveli District.
5. The Secretary,
Hindu Middle School,
Mayamankurichi,
Alangulam,
Tirunelveli District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of MANDAMUS, directing the 2nd Respondent to approve the petitioner's appointment as Secondary Grade Teacher in the 5th Respondent school with effect from 12.06.2015 with all monetary benefits in the light of the orders dated 22.09.2014 passed in W.A.No.707 of 2014 batch within a time frame, as may be fixed by this Hon'ble Court .

For Petitioner : Mr.L.ChandraKumar

For Respondents: Mr.K.Dhananjeyan

For R1 to R4 Special Government Pleader

O R D E R

The relief sought for in this Writ Petition is for a direction to the 2nd respondent to approve the petitioner's appointment as Secondary Grade Teacher in the 5th Respondent school with effect from 12.06.2015 with all monetary benefits in the light of the orders dated 22.09.2014 passed in W.A.Nos.707 of 2014 etc, batch.

2.The short question to be considered in this Writ Petition is that whether the State Government has power to grant the relaxation on the marks obtained in the Teachers Eligibility Test for the candidates belonging to the reserved category.

3.The issue was decided both by the Madurai Bench of Madras High Court and the Principal Bench of Madras High Court. More so, the Principal Bench, delivered a Judgment in W.A.Nos.707 of 2014 etc, batch upholding the power of the State Government to grant relaxation on the marks obtained in the Teachers Eligibility Test, for the candidates belonging to the reserved category.

3. Both the Judgments from Madurai Bench as well as the Principle Bench at Madras taken by way of appeal before the Hon'ble Supreme Court and the Hon'ble Supreme Court delivered the Judgment on 09.11.2016 in Civil Appeal No.10700 of 2016, as extracted below:-

"43. The Madras High Court rightly rejected the challenge to G.O.(MS).No.25, dated 06.02.2014 and G.O.(MS).No.71, dated 30.05.2014, holding that as per the NCTE Guidelines, the State Government has the power to grant relaxation on the marks obtained in the TET for the candidates belonging to reserved category and the same is affirmed. The Madurai Bench did not keep in view the NCTE Guidelines and the power of the State Government to grant relaxation in terms of their extant reservation policy and erred in quashing G.O.(MS).No.25, dated 06.02.2014 and hence the same is liable to be set aside.

44. The appeals filed by the State Government are, accordingly, allowed and the impugned judgment of the Madurai Bench is set aside. The impugned judgment of the Madras Bench of the High Court is affirmed and all the appeals preferred by the unsuccessful candidates are dismissed."

The Hon'ble Apex Court, upheld the judgment rendered by the Principal Bench of Madras High Court dated, 22.09.2014 in Writ Appeal Nos.707 of 2014 etc, batch. Therefore, the writ petitioner is also eligible to get the benefit of the judgment rendered in Writ Appeal Nos.707 of 2014 etc, batch.

4. Accordingly, the respondents are directed to consider the case of the writ petitioner in the light of the Judgment rendered in Writ Appeal Nos.707 of 2014 etc, batch, and the Judgment of the Supreme Court of India, in Civil Appeal.No.10700 of 2016 dated, 09.11.2016 and take a decision with regard to the approval of appointment of the writ petitioner, within a period of eight weeks from the date of receipt of a copy of this order.

5. Accordingly, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

-s/d-
Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

klt/rpa

To

1. The Secretary to Government,
Educational Department,
Government of Tamilnadu,
Fort St. George,
Chennai - 600 009.
2. The Director of Elementary Education,
College Road, Chennai - 600 006.
3. The District Elementary Educational Officer,
Tirunelveli.
4. The Assistant Elementary Educational Officer,
Alangulam Range,
Alangulam,
Tirunelveli District.
5. The Secretary,
Hindu Middle School,
Mayamankurichi,
Alangulam,
Tirunelveli District.

+1 CC to Mr.L. Chandrakumar, Advocate sr 49510
+1 CC to Govt. Pleader sr 49707

W.P.No.20991 of 2016
and

W.M.P.Nos.34833, 16198 & 17962 of 2016

SP(26/07/2017)