

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE D. KRISHNAKUMAR

W.P. No. 32858 of 2012

N.Deepa

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Chief Secretary,
Secretariat, Fort. St. George,
Madras - 600 009.
 2. The Chairman,
Teachers Recruitment Board,
Madras - 600 006.
 3. The Member Secretary / Joint Director,
Advisory Committee (RTE),
Madras - 600 006.
 4. The Director of Government Examinations,
Madras - 600 006.
- ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of certiorarified Mandamus calling for the records pertaining to the Government Order in G.O.Ms.No.181, dated 15.11.2011 as illegal, incompetent and quash the same as arbitrary and ultravires as for the petition is concerned and consequential direction directing the respondents to give concession in marks to petitioner as he belongs to Most Back Ward Class as per the guidelines issued by the National Council for Teacher Education.

For Petitioner : M/s.V.Ragavachari
For RR 1 to 4 : Mrs. P.Rajalakshmi, GA

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O R D E R

The petitioner has filed this Writ Petition challenging the Government Order in G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011 and to direct the respondents to give concession in marks to petitioner, as he belongs to Most Back Ward Class.

2. The learned counsel for the petitioner has submitted that the National Council for Teacher Education has issued a notification on 29.07.2011 stating that an individual has to be appointed as teacher under the appropriate State Government, only when he passed the Teacher Eligibility Test conducted by appropriate Government. In the same notification, in Clause III (ii), it is stated as follows:

"Relaxation upto 5% in the qualifying marks shall be allowed to the candidates belonging to reserved categories such as SC/ST/OBC/PH."

3. Pursuant to the said Notification issued by the National Council for Teacher Education, the Government of Tamil Nadu has issued G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011. But in that GO, nothing is said about the reservation given to the reserved categories.

4. The learned counsel for the petitioner has stated that the petitioner has attended the Teacher Eligibility Test and got 83 marks, but the minimum pass mark for all the candidates is 90. Hence, the petitioner has filed this Writ Petition for 5% relaxation in his qualifying marks.

5. The learned Government Advocate has submitted that G.O.Ms.No.181, School Education (C2) Department, dated 15.11.2011 was upheld by the Division Bench of this Court in W.P.No.22407 of 2013 etc. batch of cases, dated 05.02.2014, which was dismissed. Thereafter, the matter went before the Supreme Court in SLP No.29245 of 2014, which was also dismissed on 09.11.2016.

6. As the G.O.Ms.No.181, dated 15.11.2011 was upheld by the Division Bench of this Court in W.P.No.22407 of 2013 etc. batch of cases, dated 05.02.2014, the Writ Petition is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No Costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

pvs

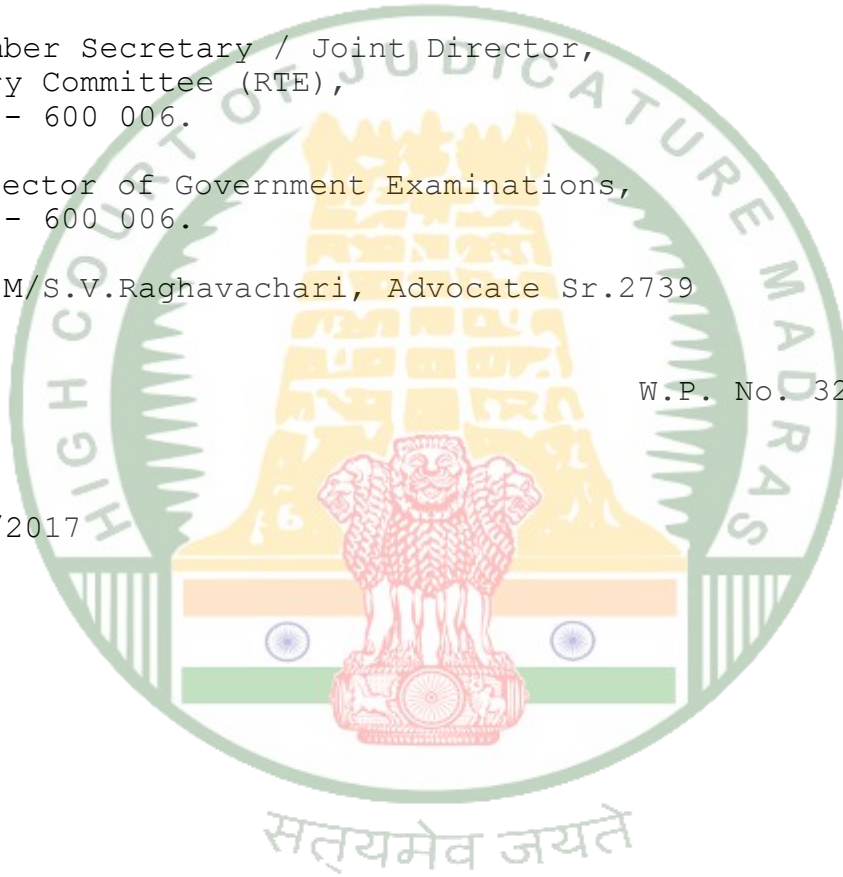
To

1. The Chief Secretary to Government of Tamil Nadu,
Secretariat, Fort. St. George,
Madras - 600 009.
2. The Chairman,
Teachers Recruitment Board,
Madras - 600 006.
3. The Member Secretary / Joint Director,
Advisory Committee (RTE),
Madras - 600 006.
4. The Director of Government Examinations,
Madras - 600 006.

+1cc to M/S.V.Raghavachari, Advocate Sr.2739

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