

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2019

CORAM

THE HONOURABLE MR.JUSTICE **M.M.SUNDRESH**
and
THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.A.No.267 of 2013

M.Gaspar

... Appellant

-VS-

1.State of Tamil Nadu rep. by
the Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.

2.Teachers Recruitment Board
rep. by its Chairman, Chennai - 6.

3.Director of School Education,
Chennai - 6.

.... Respondents

Writ Appeal filed under Clause 15 of the Letters Patent against
the order dated 02.07.2010 made in W.P.No.4778 of 2006.

For Appellant :

Mr. C.Vediappan
for M/s.C.S.Associates

For Respondents :

Mr.P.Raja,
Govt. Advocate

JUDGMENT

[Judgment of the Court was delivered by **M.M.SUNDRESH,J.**]

This writ appeal is directed against the order dated 02.07.2010 made in W.P.No.4778 of 2006.

2.Heard the learned counsel appearing for the appellant and the learned Government Advocate appearing for the respondents.

3.In this appeal, the appellant seeks relaxation from the year 2002 onwards though the appointment order is of the year 2005. It appears that notwithstanding the selection, the appellant could not be appointed, since there was a discrepancy in the date of birth. The selection itself was made on compassionate ground. After the said anomaly was rectified, he was accordingly appointed in the substantive post in the year 2005. In such view of the matter, the request of the appellant to consider his case as if he was appointed in the year 2002 was not accepted by the learned single Judge.

4.We do not find any merit in the appeal. Law is quite settled that any right would accrue from the date of appointment. The appointment on an earlier occasion could not be done in view of the

discrepancy in the date of birth. Not only that, the relaxation of the appellant was also done by taking the services as if he joined in the year 2005. This Court cannot give direction to the respondents to take the date of appointment of the appellant as if it was done in the year 2002 without even appointed and thereafter working in the aforesaid post.

5. In such view of the matter, we do not find any error in the order passed by the learned single Judge. Accordingly, the writ appeal stands dismissed. No costs.

(M.M.S.J.) (K.R.J.)
01.02.2019

Index: Yes/No
mmi

To

1. The Secretary to Government,
School Education Department,
Secretariat, Chennai - 9.
2. The Chairman,
Teachers Recruitment Board, Chennai - 6.
3. The Director of School Education,
Chennai - 6.

**M.M.SUNDRESH, J.
and
KRISHNAN RAMASAMY, J.**

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