

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.11.2019

CORAM :

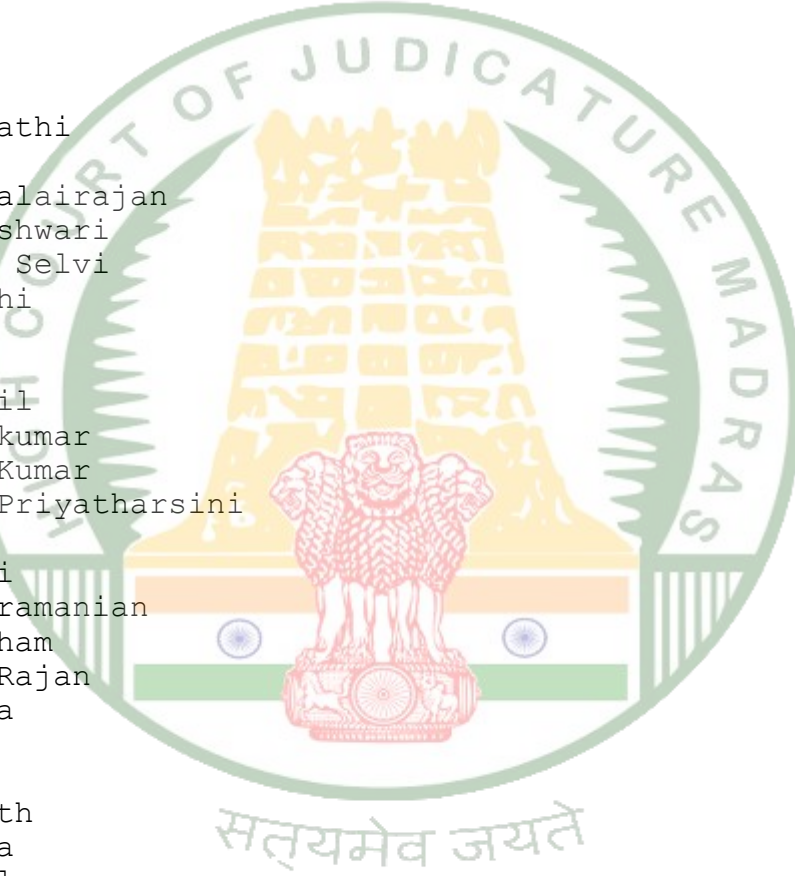
THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

W.A.No.3902 of 2019

- 1.S.A.Farvin
- 2.A.L.Prabavathi
- 3.D.Sankar
- 4.T.R.Thirumalairajan
- 5.R.Rajarajeshwari
- 6.N.Muthamil Selvi
- 7.U.Visalakshi
- 8.R.Rajammal
- 9.M.Prakash
- 10.G.M.Senthil
- 11.S.Senthilkumar
- 12.V.Dinesh Kumar
- 13.M.Chitra Priyatharsini
- 14.V.Nirmala
- 15.M.Rajamani
- 16.K.Balasubramanian
- 17.D.Velayudham
- 18.S.Sunder Rajan
- 19.M.Banureka
- 20.S.Hazeena
- 21.M.Suba
- 22.M.Elizabeth
- 23.K.V.Kamala
- 24.A.Immanuel
- 25.S.Uma
- 26.A.Subinayagan
- 27.U.Suresh
- 28.P.Pirabu Raja
- 29.R.Johnsy Rani
- 30.T.Murugesh Kumar
- 31.K.Subha
- 32.K.Thilagavalli
- 33.W.Rajesh Kumar
- 34.G.Suresh Pulidurai
- 35.L.Ramesh Babu



WEB COPY

... Appellants

v.

- 1.The State of Tamil Nadu,
rep. by its Chief Secretary,
Secretariat,
Fort St. George,
Chennai-600 009.
- 2.The Principal Secretary to Government,
Department of School Education,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 3.The Member Secretary,
Teachers Recruitment Board,
College Road,
Chennai - 600 009.
- 4.S.Sivakumar
- 5.S.Senthil
- 6.S.Radha
- 7.M.Tamilselvi
- 8.P.Umarani
- 9.A.Palni
- 10.K.Theivam
- 11.S.Madhes Kumar
- 12.S.A.Satheeswaran
- 13.T.Kumar
- 14.V.Sheela
- 15.K.Bhuvaneswari
- 16.TE Ramesh
- 17.Kannan
- 18.B.Iyyanar
- 19.S.Stebhen
- 20.K.Baskar
- 21.V.Murugan
- 22.K.Parasuraman
- 23.S.Pandiyarajan

... Respondents

Appeal filed under Clause 15 of the Letters Patent against the order dated 28.03.2018 passed in W.P.No.3365 of 2018 on the file of this Court.

Prayer in W.P.No.3365 of 2018:Writ Petition filed under Article 226 of The Constitution of India seeking for issuance of Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent herein in Rc.No.13156/Com-Inst./LC/2017 dated

05.01.2018, rejecting the representation of the writ petitioners dated 20.12.2017 to quash the same and direct the respondents to grant 20 marks to the deleted ill posed wrong 20 questions contained in the examination held by the 3rd respondent herein on 24.01.2010, in pursuance of G.O.Ms.No.187 School Education Department dated 04.10.2006, to the petitioners to which they are legally entitled to and direct the 3rd respondent to award marks for the above said wrong questions and to declare the petitioners to have passed in written examination, while the Government has also created 765 posts in Computer Teaching that are lying vacant.

For Appellants : Mr.V.Prakash
Senior Counsel
for M/s.RRN Legal

For Respondents : Mr.V.Jayaprakash Narayanan
Government Pleader
for respondent No.1

Mr.C.Munusamy
Spl. Govt. Pleader (Edn.)
for respondent Nos.2 and 3

JUDGMENT

(Order of the Court was made by The Hon'ble Chief Justice)

Heard Mr.V.Prakash, learned Senior Counsel for the appellants, who submits that keeping in view the time gap which has lapsed in pursuing this litigation, the merits of the case may not be assailable at this point of time and, therefore, if the appellants are given an opportunity to compete in the forthcoming selection by granting relaxation in age, if so required, then the same would serve the purpose of the appellants.

2. The question of grant of age relaxation or its prescription is within the policy decision of the State as has been held very recently by the Apex Court in the case of Hirandra Kumar v. High Court of Judicature at Allahabad and another, reported in 2019 SCC OnLine SC 254. In the background of the aforesaid and in the absence of any legal or valid ground to interfere with the impugned order of the learned Single Judge regarding the issue that was noticed by us in our order passed yesterday, it will be open to the appellants to approach the

State Government for any such request for grant of relaxation and it will be open to the State Government to consider any such request in accordance with law.

The writ appeal is, accordingly, disposed of. No costs. Consequently, C.M.P.No.24536 of 2019 is closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To:

- 1.The Chief Secretary,
State of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai-600 009.
- 2.The Principal Secretary to Government,
Department of School Education,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 3.The Member Secretary,
Teachers Recruitment Board,
College Road,
Chennai - 600 009.

+1cc to M/s.R.R.N.Legal, Advocate Sr.95022

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W.A.No.3902 of 2019

vsn II[co]
srg 09/12/2019