

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 04.07.2019****CORAM:****THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM****W.P. (MD) Nos.3147 and 3148 of 2014****WEB COPY**

R.Muruganandam

... Petitioner

In W.P.No.3147 of 2014

S.Lakshmi Priya

.. Petitioner

In W.P.No.3148 of 2014

**-Vs-**

1.The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
School Education Department,  
St. George Fort, Chennai - 9.

2.The Secretary,  
Tamil Nadu Teachers Recruitment Board,  
E.V.K.Sampath Maligai, DPI Compound,  
Chennai..

3.National Council for Teacher Education,  
Represented by its Chairman,  
Hans Bhawan,  
Wing II,  
1, Bahadur Shah Zafar Marg,  
New Delhi - 110 002.

...Respondents

In both petitions

Prayer: Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondents No. 1 and 2 to issue a certificate of pass in TamilNadu Teacher Eligibility Test Supplementary 2012 page 2 by providing relaxation upto 51% in the qualifying marks to the petitioner, bearing Roll No.12TE21053156 and 12TE32050853 belonging to SC category as per the Notification dated 29.07.2011 issued by the respondent No.3 and accordingly to appoint the petitioner in the post of Graduate Teacher in History within the time stipulated by this Court.

In both writ petitions:

For Petitioners : Mr.T.Lajapathi Roy

For R1 : Mrs.S.Srimathy  
Special Government PleaderFor R2 : Mr.V.R.Shanmuganathan  
Special Government Pleader

For R3 : No appearance

**C O M M O N O R D E R**

The relief sought in the writ petitions is a direction to respondents No. 1 and 2 to issue a certificate of pass in TamilNadu Teacher Eligibility Test Supplementary 2012 page 2 by providing relaxation upto 50% in the qualifying marks to the petitioners, bearing Roll No.12TE21053156 and 12TE32050853 belonging to SC category and OBC category as per the Notification dated 29.07.2011 issued by the respondent No.3 and accordingly to appoint the petitioners in the post of Graduate Teacher in History within the time stipulated by this Court.

2. This Court cannot grant relaxation. The power of relaxation is to be exercised sparingly and in accordance with the Rules. The learned counsel appearing for the second respondent states that the relaxation upto 5% was granted by the Government only during 2013 and as far as the candidates who appeared for the teacher eligibility test in the year 2012 are concerned, they were not granted any such relaxation. Now, retrospective relaxation with reference to the examination conducted in the year 2012 cannot be granted by this Court. Rule is to be followed strictly.

3. In such circumstances, grant of relaxation is an exemption and such power of exemption cannot be exercised by the High Court under Article 226 of the Constitution of India. The power of judicial review cannot be extended so as to grant relaxation of mark with retrospective effect. These principles have to be followed. The very relief sought for in the writ petitions deserves no merit consideration. Accordingly, the writ petitions are dismissed. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
School Education Department,  
St. George Fort, Chennai - 9.

2. The Secretary,  
Tamil Nadu Teachers Recruitment Board,  
E.V.K. Sampath Maligai, DPI Compound,  
Chennai.



3.The Chairman,  
National Council for Teacher Education,  
Hans Bhawan,  
Wing II,1, Bahadur Shah Zafar Marg,  
New Delhi - 110 002.

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+3 CC to M/s.T.LAJAPATHI ROY, Advocate ( SR-73861[F] dated  
08/07/2019 )

CM

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**04.07.2019**

KM/ (11.07.2019) 3P 7C