



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) Nos. 3337 & 3338 of 2014

and

M.P. (MD) Nos. 1 & 1 of 2014

M. Lakshmi Bharathi ... Petitioner in W.P. (MD) No. 3337 / 2014

R. Baby ... Petitioner in W.P. (MD) No. 3338 / 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

rep. by its Chairman
Hans Bhawan, Wing II
1, Bahadur Shah Zafar Marg
New Delhi-110 002

... Respondents in both W.Ps.

PRAYER (in W.P. (MD) No. 3337 of 2014) : Writ petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the Respondents No. 1 and 2 to issue a certificate of pass in Tamil Nadu Teacher Eligibility Test, 2012 by providing relaxation up to 5% in the qualifying marks to the petitioner Roll No. 12TE21351396 belonging to OBC 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 Assistant in English within a time stipulated by this Court.

PRAYER (in W.P. (MD) No. 3338 of 2014) : Writ petition filed under Article 226 of the Constitution of India for issuance of writ of mandamus directing the Respondents No. 1 and 2 to issue a certificate of pass in Tamil Nadu Teacher Eligibility Test, 2012 - Paper 2 by providing relaxation up to 5% in the qualifying marks to the petitioner Roll No. 12TE31650390 belonging to OBC 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 Assistant in Geography within a time stipulated by this Court.



For Respondents : Mrs.S.Srimathi
(in both W.Ps.) Special Government Pleader for R1 & R2

COMMON ORDER

The relief sought for in the present writ petitions is for a direction to the respondents 1 and 2 to issue a certificate of pass in Tamil Nadu Teachers Eligibility Test of the year 2012 by providing relaxation upto 5% in the qualifying marks to the writ petitioners, as per the notification, dated 29.07.2011, issued by the third respondent and appoint the writ petitioners as Graduate Assistant in English and Geography respectively.

2. The learned counsel appearing for the writ petitioners states that the writ petitioners participated in the Tamil Nadu Teachers Eligibility Test of the year 2012. However, the benefit of 5% in the qualifying marks, as granted with effect from the year 2013, was not granted to the candidates, who participated in the Eligibility Test during the year 2012. In other words, the writ petitioners seek relaxation of 5% marks with retrospective effect. As per the Government Orders, the benefit of 5% relaxation in the qualifying marks was granted prospectively with effect from the year 2013.

3. This Court is of the opinion that relaxation can never be claimed as a matter of right. The Teachers Eligibility Test of the year 2012 was conducted as per the terms and conditions notified during the particular year and therefore, any subsequent relaxation, by way of a policy decision of the Government, cannot be granted with retrospective effect. The writ petitioners cannot seek the benefit of 5% relaxation in the qualifying marks with retrospective effect, which is impermissible in view of the legal principles settled in this regard.

4. Accordingly, the writ petitions are devoid of merits and the same are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To:

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



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

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

+1cc to Mr.T.LAJAPATHI ROY, Advocate, SR.No.73869

+1cc to Mr.SU.SRINIVASAN, Advocate, SR.No.73835

W.P. (MD) Nos.3337 & 3338 of 2014

and

M.P. (MD) Nos.1 & 1 of 2014

KRK

KK/SAR/16.07.2019/3P-6C