



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.08.2019

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.15552 of 2014
and
M.P. (MD)No.2 of 2014

Jeevarathinam, S.

... Petitioner

-Vs-

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

2.The Secretary,
Tamil Nadu Teachers Recruitment Board,
E.V.K.Sampath Maaligai, D.P.I.Compound,
Chennai.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in G.O.Ms.No.71, School Education (TRB) Department, dated 30.05.2014 on the file of the respondent No.1 and quash the same as illegal to the extent of the method of calculation of weightage marks for selection of Secondary Grade Teachers and Graduate Teachers and consequently to direct the respondents to consider the method of providing weightage marks for the employment seniority, instead of marks for academic qualifications, in addition to the marks secured in Teacher Eligibility Test.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader

ORDER

The relief sought for in the present writ petition is to extend the benefit of 5% relaxation in the marks to the writ petitioner with reference to the Teachers Eligibility Test conducted during the year 2012.



2.The learned counsel appearing for the writ petitioner states that the writ petitioner 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 petitioner seeks 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 petitioner 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, this writ petition is devoid of merits and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

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

2.The Secretary,
Tamil Nadu Teachers Recruitment Board,
E.V.K.Sampath Maaligai, D.P.I.Compound,
Chennai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-81861[F] dated 16/08/2019

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