



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.07.2019

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THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.[MD]No.2435 of 2014

and

M.P. [MD]No.1 of 2014

S.Murugakani

... Petitioner

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents 1 & 2 to issue a certificate of pass in Tamil Nadu Teacher Eligibility Test Paper 2, by providing relaxation upto 5% in the qualifying marks to the petitioner belonging to SC category as per the notification dated 29.07.2011 issued by the third respondent and accordingly, to appoint the petitioner in the post of Graduate Teacher in Tamil within the time stipulated by this Court.

For Petitioner : Mr.T.Vadivelan

For Respondents 1 & 2 : Mr.V.R.Shanmuganathan

For Respondent No.3 : Mr.Su.Srinivasan

O R D E R

The relief sought for in the present Writ Petition is for a direction to direct the respondents 1 & 2 to issue a certificate of pass in Tamil Nadu Teacher Eligibility Test Paper 2, by providing relaxation upto 5% in the qualifying marks to the petitioner belonging to SC category as per the notification dated 29.07.2011 issued by the third respondent and accordingly, to appoint the petitioner in the post of Graduate Teacher in Tamil.

2.In respect of the grant of 5% relaxation, the issue had already been settled by the Apex Court of India in the case reported in 2017 (1) SCC 322 [V.Lavanya Vs. State of Tamil Nadu]. Accordingly, the relaxation is granted prospectively in respect of the candidates who appeared in the Teachers Eligibility Test during



the year 2013. The writ petitioner admittedly appeared in the year 2012 and therefore, retrospective relaxation of 5% of marks cannot be extended by this Court and this part, the issue had already been settled in the case cited supra. This being the factum, the writ petitioner is not eligible to avail 5% relaxation.

3. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Secretary to Government,
State of Tamil Nadu,
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 Teachers Education,
Hans Bhawan, Wing II,
1, Bahadur Shah Zafar Marg,
New Delhi - 110 002.

+1 CC to M/s.SU.SRINIVASAN, Advocate (SR-75535[F] dated 16/07/2019)

+1 CC to M/s.T.VADIVELAN, Advocate (SR-75790[F] dated 17/07/2019)

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MR

KK/SAR/30.07.2019/2P-6C

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