



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.08.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No. 3242, 3243 & 3244 of 2014

and

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

V. Neelakandan	... Petitioner
	in W.P(MD)No.3242 of 2014
M. Velmurugan	... Petitioner
	in W.P(MD)No.3243 of 2014
J. Susila	... Petitioner
	in W.P(MD)No.3244 of 2014

Vs.

1. The Government of Tamil Nadu,
Rep. by its Principal Secretary,
School Education (TRB) Department,
Fort St. George, Secretariat,
Chennai-600 009.
2. The Director of School Education,
D.P.I. Campus,
College Road, Nungambakkam,
Chennai-600 006.
3. The Director of Elementary Education,
D.P.I. Campus,
College Road, Nungambakkam,
Chennai-600 006.
4. The Teachers Recruitment Board,
Rep. by its Chairman,
D.P.I. Campus,
College Road,
Nungambakkam,
Chennai-600 006.

... Respondents
in all the writ petitions

PRAYER in all the writ petitions: Writ Petitions are filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned G.O. issued by the first respondent in G.O. Ms. No. 25, dated 06.02.2014, quash the same in so far as granting 5% relaxation for reserved category candidates who wrote TET Examination 2013 alone, and direct the 1st respondent to grant 5% relaxation to the petitioners for the TET 2012 Supplementary Examination and declare



them as pass in TET 2012 Supplementary Examination and appoint them as B.T.Assistant.

For Petitioner : Mr.R.Subramanian

For Respondents : Mr.VR.Shanmuganathan,
Special Government Pleader

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COMMON ORDER

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

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 (CS III)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Principal Secretary,
School Education (TRB) Department,
Fort St. George, Secretariat,
Chennai-600 009.

2.The Director of School Education,
D.P.I.Campus,
College Road, Nungambakkam,
Chennai-600 006.

3.The Director of Elementary Education,
D.P.I.Campus,
College Road, Nungambakkam,
Chennai-600 006.

4. The Chairman,
The Teachers Recruitment Board,
D.P.I.Campus,
College Road,
Nungambakkam,
Chennai-600 006.

+3 CC to M/s.R.SUBRAMANIAN, Advocate (SR-82325[F] dated
20/08/2019)

W.P. (MD) No.3242, 3243 & 3244 of 2014
19.08.2019

_KK/SAR/04.09.2019/3P-8C/