



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.3484 of 2014

and

M.P. (MD) No.1 of 2014

S.Vijayrani

... Petitioner

-Vs-

1.The Secretary to Government,  
School Education, Chennai-9.

2.The Director of Elementary Education,  
E.V.K.Sampath Building,  
College Road, Nungampakkam,  
Chennai-06.

3.The District Elementary Educational Officer,  
Tirunelveli District, Tirunelveli.

4.The Additional District Elementary Education Officer,  
Pappakudi, Tirunelveli District. ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to regularize the petitioner in the post of full-time Secondary Grade Teacher from the date of petitioner appointment i.e. 22.7.1997 passed by the 3<sup>rd</sup> respondent proceeding Na.Ka.No.5005/A4 dated 22.07.1997 by providing 4 months and 11 days age relaxation and disburse the consequential monetary and promotional service benefits within a stipulated time and grant the petitioner the consequential monetary and promotional service benefits within a stipulated time as may be fixed by this Court.

For Petitioner : Mr.S.Balakarthick

for M/s.K.J.Associates

For Respondents : Mrs.S.Srimathy

Special Government Pleader

### ORDER

The relief sought for in the present writ petition is for a direction to direct the respondents to regularise the service of the writ petitioner in the post of full-time Secondary Grade Teacher from the date of petitioner appointment i.e. 22.7.1997.

<https://hcservices.etcregion.gov.in/tce-services/>

2.The writ petitioner on completion of his educational



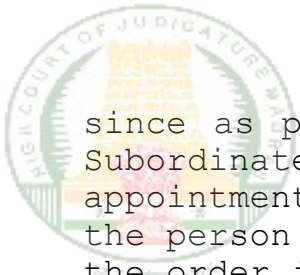
qualification, registered her name in the District Employment Exchange. Subsequently, the name of the writ petitioner was sponsored for appointment to the post of Secondary Grade Teacher. The petitioner participated in the interview and also in the process of certificate verification done by the third respondent. Accordingly, the petitioner was appointed as secondary Grade Teacher at Panchayat Union School, Thalaiyuthu, Tirunelveli District, in proceeding dated 22.07.1997. The petitioner herself states that during the appointment in the service, her age was 35 years 4 months and the upper age limit fixed for the post of Secondary Grade Teacher was 35 years. In view of the fact that the writ petitioner was appointed beyond the age limit prescribed in the rule, she was directed to apply for grant of age relaxation by relaxing the rules in force. The petitioner was sponsored through the Employment Exchange, Tirunelveli and she had not suppressed her age limit at the time of participating in the process of selection.

3.The fact remains that the petitioner herself admitted in the affidavit that she was over aged at the time of her appointment by four months. Further, it is admitted that as per the Rules, the maximum age limit prescribed for appointment to the post of Secondary Grade Teacher is 35 years.

4.The writ petitioner submitted an application for grant of age relaxation and the relaxation was not given the writ petitioner was discharged from service and she filed W.P.(MD).No.5775 of 2013 and this Court passed an order on 10.04.2013 directing the respondents to consider the representation submitted by the writ petitioner and pass order.

5.The learned counsel for the writ petitioner states that no order has been passed, pursuant to the order of this Court. Contrarily, the learned Special Government Pleader appearing on behalf of the respondents states that the case of the writ petitioner was considered and the benefit of relaxation was not granted in this regard. The first respondent Secretary to Government, School Education, Chennai had already passed an order in Letter No.20941/Nee Va2/2013-1 dated 22.10.2013 pursuant to the order of this Court dated 10.04.2013 passed in W.P.(MD).No.5775 of 2013, the case of the writ petitioner was rejected on the ground that she had crossed the maximum age limit of 38 years as stipulated in Rules 6(a) of the Special Rules for Tamil Nadu Elementary Education, Subordinate Services.

6.This apart, there is no provision to relax the upper age limit in the rules. Under these circumstances, the respondents have not considered the case of the writ petitioner for grant of relaxation. It is further reiterated in para No.13 of the counter affidavit filed by the third respondent that the first respondent considered the representation dated 14.10.2014 submitted by the writ petitioner on merits and in accordance with law and passed an order in Letter dated 22.10.2013 refusing to relax the age limit rule



since as per the Rule 6(a) of the Tamil Nadu Elementary Education Subordinate Service Rules, no person shall be eligible for appointment by direct recruitment to any categories of Teachers. If the person has completed 35 years of age on the first day of July of the order in which, the selection was made.

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7.The petitioner had already crossed 35 yeas as on 01.07.1997 and the upper age limit was deleted only as per G.O.Ms.No.59 School Education dated 12.06.2004 and it has been effected only from 12.06.2004 but, the writ petitioner was appointed on 25.07.1997 in view of the fact that the writ petitioner was over aged during the relevant point of time her case was not considered by the competent authorities.

8.Even at the time of filing of the writ petition, the writ petitioner was aged about 48 years and now she would be around 54 years. Under these circumstances, the benefit of relaxation of rule cannot be granted by this Court in a writ jurisdiction and the claim of relaxation was rejected by the competent authorities viz., the Secretary to Government and therefore, the writ petition is devoid on merits and stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government,  
School Education, Chennai-9.

2.The Director of Elementary Education,  
E.V.K.Sampath Building,  
College Road, Nungampakkam,  
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3.The District Elementary Educational Officer,  
Tirunelveli District, Tirunelveli.

4.The Additional District Elementary Education Officer,  
Pappakudi, Tirunelveli District.

+1 CC to M/s.SPL GP ( SR-76028[F] dated 18/07/2019 )

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NS