WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **13.08.2019**

CORAM:

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

W.P.(MD)Nos.3810 to 3812 of 2014
and
M.P.(MD).Nos.1,1,1,2,2 and 2 of 2014

1.S.leelavathi ... Petitioner in W.P.(MD).No.3810/14

2.G.Mugunthan ... Petitioner in W.P.(MD).No.3811/14

3.Durairaj ... Petitioner in W.P.(MD).No.3812/14

Vs.

1.State of Tamil Nadu
Rep by its Secretary to Government,
School Education (TRB) Department,
Secretariat,
Chennai.

2.The Chairman,
Teachers Recruitment Board,
Chennai-600 006.

3.The Director of School Education,
Chennai-600 006.

4.The Director of Elementary Education,
Chennai-600 006. ... Respondents in all W.Ps

COMMON PRAYER: Writ Petitions under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order vide G.O.Ms.No.25, School Education(TRB) Department, dated 06.02.2014 issued by the first respondent and quash the same in so far as it denies the relaxation of 5% to the candidates who appeared in the Teacher Eligibility Test conducted by the 2nd respondent in 2012 is concerned, and direct the respondents to extend the benefit of 5% relaxation to the petitioners and issue Teacher Eligibility Text Certificate so as to enable the petitioners to get appointment to the post B.T.Assistant (Tamil) and B.T.Assistant(Science) in any one of the Government Schools.

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For Petitioners in all cases : Mr.B.Prasanna Vinoth

For R1 & R2 in all cases : Mr.V.R.Shanmuganathan Special Government Pleader

For R3 & R4 in all cases : Mrs.S.Srimathi Special Government Pleader

COMMON ORDER

The relief sought for in these writ petitions is to quash the G.O.Ms.No.25 School Education(TRB) Department, dated 06.02.2014, issued by the first respondent and to grant relaxation of 5% marks to the candidates, who appeared in the Teachers Eligibility Test conducted in the year 2012.

2.The issue in relation to the grant of relaxation of 5% marks with reference to G.O.Ms.No.25 dated 06.02.2014 had already been settled by the Hon'ble Supreme Court of India in Civil Appeal No.10700 of 2016 and following the same, this Court also passed an order in W.P.(MD).No.3593 of 2014, which is extracted hereunder:

> *"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."*

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3.In view of the fact that the said Government order had already been upheld by the Apex Court, these writ petitions deserve no merit for consideration. Accordingly, these writ petitions stand dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(AD-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Secretary to Government,
State of Tamil Nadu
School Education (TRB) Department,
Secretariat,
Chennai.

2.The Chairman,
Teachers Recruitment Board,
Chennai-600 006.

3.The Director of School Education,
Chennai-600 006.

4.The Director of Elementary Education,
Chennai-600 006.

+1 CC to M/s.B.PRASANA VINOTH, Advocate (SR-81538[F] dated 14/08/2019)

W.P.(MD)Nos.3810 to 3812 of 2014
and
M.P.(MD).Nos.1,1,1,2,2 and 2 of 2014
13.08.2019

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JM/13.09.2019/3P/6C

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