



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESEVALU

W.P.No.22523 of 2021

1.R.Elango

2.M.Senthilkumar

..Petitioners

Vs

1. The State of Tamil Nadu,
rep. by its Principal Secretary to Govt.,
Higher Education Department,
Fort St. George,
Chennai - 600 009.

2. The Director of School Education,
Directorate of School Education,
DPI Campus,
College Road,
Chennai - 600 006.

3. Teachers Recruitment Board,
rep. by its Chairman,
4th Floor,
EVK Sampath Maaligai,
College Road,
Chennai - 600 006.

..Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration declaring that Rule 6 of the Special Rules for the Tamil Nadu Higher Secondary Educational Service as introduced by G.O.Ms.No.14, School Education (SE 2 (1)) Department dated 30.01.2020 issued by the first respondent and Clause 5 of the Advertisement No.01/2021, dated 09.09.2021 issued by the third respondent inviting applications for Direct Recruitment for the post of Post Graduate Assistants in School Education coming under the Tamil Nadu Higher Secondary Educational Service as arbitrary, violative of Article 14 of the Constitution of India and



consequently direct the first respondent to fix the age limit of Most Backward Class candidates who are applying for direct recruitment to the post of PG Assistants in School Education coming under the Tamil Nadu Higher Secondary Educational Service as 57 years of age.

For the Petitioners : Ms.Nalini Chidambaram
Senior Counsel
for Ms.C.Uma

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for respondent Nos.1 and 2

: Mr.C.Kathiravan
for respondent No.3

ORDER

(Order of the Court was made by Hon'ble Chief Justice)

The challenge pertains to the relaxation of age for inviting applications for post-graduate assistants in school education and other departments. The petition is pressed by the second petitioner who has crossed 50 years of age.

2. The petition as regards the first petitioner is dismissed.

3. As far as the second petitioner is concerned, the challenge has to be repelled in view of an order dated October 8, 2021 passed by a co-ordinate Bench on the same issue. In that case, W.P.No.21983 of 2021 (C.Ponnusamy v. State of Tamil Nadu), the petition was filed for declaring Rule 6 of Special Rules of Tamil Nadu Higher Secondary Educational Service, notified in G.O.Ms.No.14 dated January 30, 2020 prescribing the maximum age limit for direct recruitment to the post of PG Assistant and another consequential advertisement as arbitrary and irrational.

4. The challenge was rejected upon referring to a Supreme Court judgment reported at (2006) 4 SCC 517 (State of Tamil Nadu v. P.Krishnamurthy) and considering the grounds on which such subordinate legislation may be questioned.

5. In view of the order dated October 8, 2021 referred to above, the present petition fails.



6. W.P.No.22523 of 2021 is dismissed. W.M.P.Nos.23742, 23744, 23748 and 23749 of 2021 are closed. There will be no order as to costs.

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Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Govt.,
State of Tamil Nadu,
Higher Education Department,
Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
College Road,
Chennai - 600 006.

W.P.No.22523 of 2021

EV(CO)
RGA(15/11/2021)