



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.NO.22612 OF 2021

AND

W.M.P.NOS.23850 & 23851 OF 2021

(Through Video Conferencing)

1. G.Sivasubramaniam
2. B.Rajkumar
3. K.Murugesan
4. M.Nagarajan
5. A.Palani

... Petitioners

.Vs.

1. The State of Tamil Nadu,
Rep. by its Chief Secretary,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Secretary,
Department of School Education,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
3. The Chairman,
Teachers Recruitment Board,
College Road,
Chennai - 600 006.

... Respondents

PRAYER:-

Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 3rd respondent in Rc.No.13156/Com-Inst./LC/2017 dated 05.01.2018 quash the same and directing the respondents to grant 20 marks to the deleted ill posed wrong 20 questions contained in the examination held by the 3rd respondent herein on 24.01.2010, in pursuance of G.O.Ms.No.187 School Education



Department dated 04.10.2006, to the petitioners to which they are legally entitled to and direct the 3rd respondent to award marks for the above said wrong questions and to declare the petitioners to have passed in written examination, while the Government has also created 765 Posts in Computer Teaching that are lying vacant.

For Petitioners : Mr.N.Saravanan

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate
For R1 & R2

Mr.C.Kathiravan
Government Advocate
For R3

O R D E R

This Writ Petition has been filed for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned order passed by the 3rd respondent in Rc.No.13156/Com-Inst./LC/2017 dated 05.01.2018 quash the same and directing the respondents to grant 20 marks to the deleted ill posed wrong 20 questions contained in the examination held by the 3rd respondent herein on 24.01.2010, in pursuance of G.O.Ms.No.187 School Education Department dated 04.10.2006, to the petitioners to which they are legally entitled to and direct the 3rd respondent to award marks for the above said wrong questions and to declare the petitioners to have passed in written examination, while the Government has also created 765 Posts in Computer Teaching that are lying vacant.

2. Mr.N.Saravanan, learned counsel for the petitioners, Mr.L.S.M.Hasan Fizal, learned Government Advocate appearing for the first and second respondents and Mr.C.Kathiravan, learned Government Advocate appearing for the third respondent.

3. The learned counsel for the petitioner submits that the petitioners were not aware of the fact that the order dated 28.03.2018 passed by this Court in W.P.No.3365 of 2018 has been subsequently confirmed by the Division Bench of this Court by its order dated 14.11.2019 in W.A.No.3902 of 2019. The operative portion of the order reads as under:-

Heard Mr.V.Prakash, learned Senior Counsel for the appellants, who submits that keeping in view the time gap which has lapsed in pursuing this litigation, the merits of the case may not be



WEB COPY

assailable at this point of time and, therefore, if the appellants are given an opportunity to compete in the forthcoming selection by granting relaxation in age, if so required, then the same would serve the purpose of the appellants.

2.The question of grant of age relaxation or its prescription is within the policy decision of the State as has been held very recently by the Apex Court in the case of Hirandra Kumar V. High Court of Judicature at Allahabad and another, reported in 2019 SCC OnLine SC 254. In the background of the aforesaid and in the absence of any legal or valid ground to interfere with the impugned order of the learned Single Judge regarding the issue that was noticed by us in our order passed yesterday, it will be open to the appellants to approach the State Government for any such request for grant of relaxation and it will be open to the State Government to consider any such request in accordance with law.

4. In the light of the above, nothing survives for adjudication in this writ petition. This writ petition is therefore dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

jas

To

1. The Chief Secretary to Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Secretary,
Department of School Education,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.



3. The Chairman,
Teachers Recruitment Board,
College Road,
Chennai - 600 006.

WEB COPY

+1cc to Mr.N.Saravanan, Advocate, S.R.No.54955
+1cc to the Government Pleader, S.R.No.55363

W.P.NO.22612 OF 2021 AND
W.M.P.NOS.23850 & 23851 OF 2021

GJ(CO)
PBS/10/12/2021