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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Wednesday, the Seventh day of July Two Thousand and Twenty One

PRESENT

The Hon'ble Mr.Justice T.S.SIVAGNANAM
and
The Hon'ble Mrs.Justice S.ANANTHI

WMP(MD) Nos.2986 and 2987 of 2021
IN
WP(MD)No.3719 of 2021

S.SUMATHI ... PETITIONER/PETITIONER IN BOTH THE PETITIONS

Vs

1 STATE OF TAMIL NADU,
REP. BY ITS PRINCIPAL SECRETARY TO THE GOVERNMENT,
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEORGE, CHENNAI-9

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, CHENNAI-6

3 THE DIRECTOR OF ELEMENTARY EDUCATION,
DPI CAMPUS, CHENNAI-6

4 TEACHERS RECRUITMENT BOARD,
REP. BY ITS CHAIRMAN,
3RD FLOOR, DR.MGR CENTENARY BUILDING,
DPI CAMPUS, COLLEGE ROAD,
CHENNAI-6

5 TEACHERS RECRUITMENT BOARD,
REP. BY ITS MEMBER SECRETARY,
3RD FLOOR, DR.MGR CENTENARY BUILDING,
DPI CAMPUS, COLLEGE ROAD,
CHENNAI-6 ... RESPONDENTS/RESPONDENTS IN BOTH THE PETITIONS

Prayer in WMP(MD)No.2986 of 2021:

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to pass an order of Interim Stay of operation of Rule 6(a) of the Special Rules for the Tamil Nadu Elementary Education Subordinate Service, 5(a) of the Special Rules for the Tamil Nadu School Educational Subordinate Service, Rule 6 of the Special Rules for the

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Tamil Nadu Higher Secondary Educational Service prescribing maximum age limit as 40 and the consequential Notification/Advertisement issued by the 4th respondent dated 11.02.2021 as illegal in so far as Clause 5(a) prescribing maximum age limit as 40 is concerned, pending disposal of the Writ Petition.

Prayer in WMP(MD)No.2987/2021 :

To pass an order of Interim Injunction restraining the respondent No. 4 from filling up the post of PG Assistants pending disposal of the Writ Petition.

Prayer in WP(MD)No.3719/2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration to declare the Rule 6(a) of the Special Rules for the Tamil Nadu Elementary Education Subordinate Service, 5(a) of the Special Rules for the Tamil Nadu School Educational Subordinate Service, Rule 6 of the Special Rules for the Tamil Nadu Higher Secondary Educational Service prescribing maximum age limit as 40 and the consequential Notification/Advertisement issued by the 4th respondent dated 11.02.2021 as illegal in so far as Clause 5(a) prescribing maximum age limit as 40 is concerned.

ORDER : These petitions coming up for orders on this day, upon perusing the petitions and the affidavits filed in support thereof and upon hearing the arguments of Mr. LAJAPATHI ROY.T, Advocate for the petitioner in both the petitions and of Mr.R.BASKARAN, Standing Counsel for Government on behalf of the Respondents 1 to 3 in both the petitions and Mr.V.R.SHANMUGANATHAN, Adocate for Respondents 4 and 5 in both the petitions, the Court made the following order:-

The petitioner challenges Special rules for the Tamil Nadu Elementary Education Subordinate Service and seeks for declaration that certain rules as ultra vires. There is a presumption that the Rules are valid until it is struck down. Therefore, there is no question of granting interim stay and injunction to restrain the respondents from filing the posts of PG Assistants. Hence, these petitions are dismissed.

sd/-
07/07/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

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TO

1 THE PRINCIPAL SECRETARY TO THE GOVERNMENT,
STATE OF TAMIL NADU,
SCHOOL EDUCATION DEPARTMENT,
FORT ST.GEORGE, CHENNAI-9

2 THE DIRECTOR OF SCHOOL EDUCATION,
DPI CAMPUS, CHENNAI-6

3 THE DIRECTOR OF ELEMENTARY EDUCATION,
DPI CAMPUS, CHENNAI-6

+1 CC to SPECIAL GOVERNMENT PLEADER (SR-21928[F] dated 09/07/2021)

ORDER
IN
WMP(MD) Nos.2986 & 2987/2021 IN
WP(MD)No.3719 of 2021
Date :07/07/2021

SJ
TE/MNR/SAR-V : 12/07/2021 : 3P/5C

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