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W.A.(MD)No.1014 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.01.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.A(MD)No.1014 of 2019

and

C.M.P(MD)No.9301 of 2019

M.Velmurugan

... Appellant /
Petitioner

Vs.

- 1.The State represented by
The Principal Secretary,
School Education (TRB) Department,
Fort St.George,
Secretariat,
Chennai – 600 009.
- 2.The Director of School Education,
D.P.I.Campus,
College Road,
Nungambakkam,
Chennai – 600 006.
- 3.The Director of Elementary Education,
D.P.I.Campus,
College Road,
Nungambakkam,
Chennai – 600 006.



4.The Teachers Recruitment Board,
Represented by its Chairman,
D.P.I.Campus,
College Road,
Nungambakkam,
Chennai – 600 006.

... Respondents /
Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act pleased to set aside the order dated 19.08.2019 made in W.P(MD)No.3243 of 2014 on the file of this Court and thereby allow this Appeal.

For Appellant : Mr.R.Subramanian

For Respondents : Mr.V.Om Prakash
Government Advocate

JUDGMENT

(Judgment of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard the learned counsel on either side.

2.The writ petitioner belongs to Scheduled Caste. He took part in the Teacher Eligibility Test (TET) conducted in the year 2012. He secured 82 marks out of 150. As per the notification issued by the Government, a candidate writing TET exam must secure 60% or more to be considered as TET passed. The petitioner secured only 55%.



3.The Government issued G.O(Ms)No.25 School Education (TRB) Department dated 06.02.2014 granting relaxation of 5% marks to the candidates belonging to Scheduled Caste, Scheduled Tribes, Backward Classes, Backward Classes (Muslim), Most Backward Classes, Denotified Communities and Differently Abled Persons. This relaxation of marks was made applicable to the TET conducted in August 2013 also. The appellant herein filed W.P(MD)No.3243 of 2014 seeking extension of the relaxation for the TET held in 2012 also. The writ petition was dismissed vide order dated 19.08.2018. Challenging the same, this Writ Appeal has been filed.

4.The learned counsel appearing for the appellant reiterated all the contentions set out in the memorandum of grounds of Writ Appeal. He laid particular emphasis on Clause-9 of the guidelines issued by NCTE which states that the School Managements (Government, Local bodies, Government aided and unaided) may consider giving concession to persons belonging to SC/ST, OBC and differently abled person, etc., in accordance with their extant reservation policy. He also submitted that the expression “extant” would mean the position that obtained on the date when the notification dated 11.02.2011 was issued. No new



reservation policy was issued in the year 2014. Therefore, when the Government chose to grant relaxation for the year 2014 and also made it applicable for TET held in 2013, logically, it should have been extended the said benefit to TET held in 2012 also.

5.No doubt this contention appears to be attractive. But our hands are tied.

6.The learned Standing Counsel appearing for Teachers Recruitment Board drew our attention to the order dated 22.09.2014 passed by the Hon'ble Division Bench in the Principal Seat in W.A.No. 707 of 2014 etc. In the said case also some of the writ petitioners made a specific prayer for giving retrospective operation of G.O(Ms)No.25 School Education (TRB) Department dated 06.02.2014 and make it applicable to TET examinations held in the year 2012 also.

7.This prayer was rejected by the learned Single Judge. The Hon'ble Division Bench did not find it necessary to interfere with the order of the learned Single Judge and dismissed the writ appeals vide order dated 22.09.2014.



8.As rightly observed by the learned Single Judge in this case, relaxation can never be claimed as a matter of right. Even the GO issued in the year 2014 was only a matter of concession. The Government in its wisdom extended to 2013 also. It is not open to the writ Court to compel the Government to further extend the concession to the TET held in the year 2012 also. These are matters that fall within the realm of policy decision. The writ Court will not be justified in interfering in such matters. The approach of the learned Single Judge is well founded. Interference is not warranted.

9.This Writ Appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [R.P., J.]
27.01.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA

To

1.The Principal Secretary,
School Education (TRB) Department,
Fort St.George, Secretariat,
Chennai – 600 009.



2.The Director of School Education,
D.P.I.Campus,
College Road,
Nungambakkam,
Chennai – 600 006.

3.The Director of Elementary Education,
D.P.I.Campus,
College Road,
Nungambakkam,
Chennai – 600 006.

4.The Chairman,
Teachers Recruitment Board,
D.P.I.Campus,
College Road,
Nungambakkam,
Chennai – 600 006.



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G.R.SWAMINATHAN,J.

AND

R.POORNIMA, J.

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