



W.A.(MD)No.581 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.01.2026

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MRS.JUSTICE R.KALAIMATHI**

**W.A.(MD)No.581 of 2021
and
C.M.P.(MD)No.2633 of 2021**

M.Sivaraj

... Appellant

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort St. George, Chennai- 09.

2.The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 06.

... Respondents

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD).No.14642 of 2014 dated 20.08.2019 on the file of this Court.



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For Appellant : Mr.A.R.Rithik Surhil,
For Mr.S.Rajasekar

For Respondents : Mr.T.Amjadkhan,
Government Advocate.

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The unsuccessful writ petitioner is the appellant before us. The appellant was an aspirant for the post of Post Graduate Assistant in Commerce under scheduled caste category. He applied in response to the notification published on 09.05.2013. He was not selected. Challenging his non-selection, W.P.(MD)No.14642 of 2014 was filed. The learned Single Judge dismissed the writ petition vide order dated 20.08.2019. Assailing the dismissal order, this writ appeal has been filed.

3.It is seen from the materials on record that two persons including the writ petitioner had secured 103 marks. The writ petitioner was born on 16.07.1988. The other person was born on 01.03.1984. Hence, as per



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the norms set out in the notification, the older candidate was selected.

This aspect of the matter has been captured in Paragraph Nos.5 and 6 of the order passed by the learned Single Judge. The said paragraphs read as follows:-

“5.In the present case on hand, the writ petitioner though secured required cut off marks, his date of birth is 16.07.1988. The other person, who was appointed under the SC General category also secured 103 marks and his date of birth is 01.03.1984. In view of the fact that other candidate was senior in date of birth, he was appointed as Post Graduate Assistant. The said position is stated in paragraph No. 6 of the counter affidavit filed by the Member Secretary of the Teacher Recruitment Board, which is extracted hereunder:

“6.It is submitted that after conduct of certificate verification, the Board published the final provisional selection list of candidates for appointment in the website of Teachers Recruitment Board. In the selection list, the cut off mark of the last candidate selected in the GT (G) and SC (G) is 112 and 103 respectively. The date of birth of the last candidate selected in the SC (G) is 1.3.1984. According to the rules of procedure followed that if more than one candidate has secured the same marks, the senior in date of birth shall be given preference for consideration for selection. Thus, even though the petitioner has secured the same cut off marks i.e., 103, he could not be selected, as he is junior in date of birth i.e., as his date of birth is 16.7.1988.”



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6.Considering the facts and circumstances, there is no infirmity in respect of the selection conducted and the case of the writ petitioner was considered in accordance with the terms and conditions as well as the recruitment rules in force.”

4.In this view of the matter, we do not find any ground to interfere.

The writ appeal stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.S. J.) & (R.K.M. J.)
29.01.2026

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:

1.The Principal Secretary,
Department of School Education,
Fort St. George, Chennai- 09.

2.The Secretary,
Teachers Recruitment Board,
EVK Sampath Maligai,
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