



W.P(MD)No.22789 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22789 of 2022

and

W.M.P.(MD)Nos.16931 & 16932 of 2022

M.Sangili

... Petitioner

Vs.

**1.The Teachers Recruitment Board,
Rep. by its Member Secretary,
College Road,
Chennai-600 006.**

**2.The Commissioner of School Education,
Chennai.**

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the key answer is incorrect in so far as question no.19, 42 and 86 is concerned and to award marks to the petitioner and further direction to appoint the petitioner as P.G.Assistant (Commerce) under scheduled caste category as per the marks obtained by the petitioner.

For Petitioner : Mrs.K.Hemakarthiskeyan

**For Respondents : Mr.VR.Shanmuganathan
Standing Counsel for R1**

**: Mr.N.Satheeshkumar
Additional Government Pleader for R2**



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ORDER

Heard the learned counsel on either side.

2. The Teachers Recruitment Board issued notification dated 09.09.2021 inviting applications from the eligible candidates for the post of PG Assistant. The petitioner is an aspirant for the post of PG Assistant Commerce. He took part in the examination. He was not selected. The case of the petitioner is that the petition mentioned key answers published by the board are palpably wrong and that if the answers have been correctly evaluated, he would have been selected. With this prayer, the present writ petition has been filed.

3. Though in the petition, the prayer is in respect of Question Nos. 19, 42 & 86, the learned counsel would confine his argument to Question Nos.42 & 86. Question No.42 and option are as follows:-

“42. When was World Bank established?

உலக வங்கி எப்போது தோற்றுவிக்கப்பட்டது?

A. July 1944

ஜூலை 1944

B: July, 1945



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ஜூலை 1945

C: July, 1945

ஜனவரி 1945

D: January, 1947

ஜனவரி 1947□

According to the petitioner, Option 'A' is correct. As per the key answer, option 'B' is correct. I called upon the learned standing counsel for the board to make available materials based on which, option 'B' was chosen as correct answer. The materials relied on by the experts clearly indicate that the world bank was established in 1945 (International Bank for Reconstruction and Development ((IBRD)). The learned counsel appearing for the petitioner has relied on the standard text books including the one prescribed by the Government of Tamil Nadu which clearly indicates that the world bank was established in 1944 and made functional in 1945. The question is when the bank was set up. Question No.86 is as follows:-

“Arrears of preference dividend will be paid only when:

முன்னுரிமை பங்காதாய நிலுவை இப்பொழுது மட்டும்
செலுத்தப்படும்

A:Preference share capital and Equity share capital are returned in full-(Correct Alternative)

முன்னுரிமை பங்கு மூலதனமும் நேர்மை பங்கு மூலதனமும்
முழுமையாக திருப்பி செலுத்திய பொழுது



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B. Preference share capital are returned in full

முன்னுரிமை பங்கு மூலதனமும் முழுமையாக திருப்பி
செலுத்தும் பொழுது

C. Equity share capital are returned in full.

நேர்மை பங்கு மூலதனம் முழுமையாக திருப்பி செலுத்தும்
பொழுது

D. Debentures are redeemed in full.

கடன்ஈட்டு பத்திரம் முழுமையாக திருப்பி செலுத்தும் பொழுது

According to TRB, Option 'A' is correct. According to the petitioner, option 'B' is correct. NCERT text book relied on by the petitioner indicates that option 'B' is correct. According to the material, option 'A' is correct.

4. I am therefore of the view that R1 should revisit the issue. The petitioner is permitted to submit a representation enclosing the materials now placed before this Court. The Teachers Recruitment Board will look into the issue and take a call within a period of eight weeks from the date of receipt of a copy of this order. I make it clear that the benefit of this order will apply only to the writ petitioner and not others. Based on the decision of TRB, the writ petitioner's right will abide. I make it clear that the decision of TRB pursuant to the direction of this Court shall be treated as final and it would not be open to fresh challenge.



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5. The Writ Petition is disposed of. No costs. Consequently,

connected miscellaneous petitions are closed.

27.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
rmi

To

The Commissioner of School Education,
Chennai.

G.R.SWAMINATHAN, J.



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