



W.P(MD)No.23146 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23146 of 2022

and

W.M.P(MD)No.17244 of 2022

K.Peria Karuppan

... Petitioner

Vs.

1.The State represented by
The Principal Secretary to Government,
Department of School Education Secretariat,
Chennai – 9.

2.The Commissioner,
School Education Department,
DPI Campus,
College Road,
Nunkambakkam,
Chennai – 6.

3.The Teachers Recruitment Board,
Represented by Member Secretary,
DPI Campus,
College Road,
Nunkambakkam,
Chennai – 6.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned rejection of he third respondent in R.C.No. 4089/E3/2020 dated 29.08.2022 and consequently direct the respondents herein to award two additional marks to the petitioner for question Nos.26 and 84 and consider him for appointment the post of PG Assistant / Tamil under Notification No.1/2021 dated 09.09.2021 and subsequent amendment notifications dated 03.08.2022 and 27.08.2022 issued by the third respondent.

For Petitioner : Mr.Lakshmi Gopinathan
for M/s.Polax Legal Solutions

For Respondents : Mr.N.Satheesh Kumar
Additional Government Pleader
for R.1 & R.2

Mr.V.R.Shanmuganathan
Standing Counsel for R.3

ORDER

Heard both sides.

2.The third respondent issued notification calling for applications from eligible candidates for the post of PG Assistant. The petitioner is an aspirant for the post of PG Assistant (Tamil). The petitioner was not successful in the selection process.



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3. The case of the petitioner is that the final key answers announced by the third respondent in respect of two questions are palpably and demonstrably wrong and he should have been awarded two additional marks. If the petitioner is awarded two additional marks, the petitioner will be selected. With this prayer, the present writ petition has been filed.

4. The standard that this Court will have to adopt in such cases is that the petitioner will have to show that the key answers are demonstrably wrong in the light of the materials relied on by the Board. Of courses, the materials relied on by the Board will have to be standard materials.

5. According to the petitioner, key answer to Q.No.26 is incorrect. The question is as follows:

26. "குழலினிது யாழினிது என்பதம் மக்கள்
மழலைச் சொற் கேளாதவர்"

- எனும் குறளுக்குப் பொருளாக அமையும் மெய்ப்பாடு எது?

- A: நகை
- B: இளிவரல்
- C: பெருமிதம்
- D: உவகை

According to the petitioner, Option "A" is the correct answer. I called upon the learned Standing Counsel to demonstrate that option "C" chosen by the Board



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is a correct answer. The learned Standing Counsel produced the extract from Tholkappiyam (Volume – III part 2) Porulathigaram Commentary by Pavalereru Balasundaram published by Periyar University. The relevant paragraph is as follows:

(2) இன்புறலாவது தமது உடைமைகளையும்
செயல்களையும் பற்றித் தாமே எண்ணி மகிழ்தல்.

எ-டு: குழலினிது யாழினிது என்பதம் மக்கள்
மழலைச் சொற்கேளா தவர்

என வரும், இதுவும் உவகைக்குப் பொருளாக அமையும்.

In the light of the material relied on by the Board, I have to conclude that option “C” is the correct answer and I cannot accept the contentions advanced by the learned counsel for the petitioner.

6.The second contention is that key answer to Q.No.84 is also wrong. It reads as follows:

84. இயற்பெயர்க்கிளவி எதனைச் சுட்டாது?

- A: உயர்திணை
- B: அஃறிணை
- C: உள்நூறை
- D: இறைச்சி

According to the petitioner, option “D” is correct. According to the respondents Board, option “B” is the correct answer. The Board relies on the material found in the Commentary of Dr.Thamilannal on Tholkappiyam Sollathikaram. The relevant paragraph is as follows:



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189. இறைச்சிப் பொருள்வயிற்செய்யுளுட் கிளக்கும்
இயற்பெயர்க் கிளவி உயர்திணை சுட்டா
நிலத்துவழி மருங்கிற் றேன்ற லான.

ஒருசார் இயற்பெயர்க்கு உரியதோர் மரவு உணர்த்துதல்
நுதலிற்கு. எய்தியது விலக்கியதுமாம்.

இ-ன் : இறைச்சிப் பொருள் என்பது செய்யுளுள்
உரைக்கப்படுகின்ற பொருட்புறத்தாகிய கருப்பொருள்,
அ.:தாவதுமாவும், புள்ளும் முதலாயின. அவற்றின்
மேல் இருகுறியாகி வரும் இயற்பெயர் - அவற்றின்கண்
செய்யுளுள் கிளக்கும் இயற்பெயர்ச் சொல் - உயர்திணைப்
பொருண்மையைச் சுட்டா : நிலத்து வழித்தோன்றலான,
எ-று.

வழியும், மருங்கும் ஒருபொருட்கண் இருசொல்
பிரிவின்றி வந்தன. என்பதென்
சொன்னவாறெனின், இயற்பெயர்
என்பதனை இருதிணைக்கும் பொதுவென ஓதினாராயினும்,
செய்யுளகத்துக் கருப்பொருள் ஆகி, நிலத்துவழித்
தோன்றும் மாவும் புள்ளும், மாமும்
முதலாயினவற்றின்மேல் இருகுறியாகி வரும் இயற்பெயர்,
அ.:றிணைப் பொருளைச் சுட்டும்நல்லது உயர்திணைப்
பொருண்மையைச் சுட்டா என எய்தியது விலக்கியவாறு,
செய்யுளகத்து இறைச்சிப் பொருட்கண்
தோன்றும் இயற்பெயரென ஓதல் வேண்டியது அ.:றிணைப்
பொருட்கண் சாத்தன் கொற்றன் எனவரும் இயற்பெயர்
வழக்கின்கண்.....

I am more than satisfied that the board has gone only by the second line. The second line could not have been divorced from the first line. As rightly argued by the learned counsel for the petitioner, only if the subject matter refers to



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birds and animals, even option “B” would have been correct. The petitioner in his representation has pointed out that the question itself has been generally worded and it has not taken note of the first line.

7. This contention of the petitioner is well-founded. But then option “D” also does not appear to be correct. Even if I accept the case of the petitioner, the consequence can only be that the question itself will have to be deleted. In that event, everyone will be placed on the same footing. That again will not advance the case of the petitioner. Therefore, the petitioner can only have the academic satisfaction that his argument in respect of Q.No.84 has been accepted by this Court. It is not possible to award one mark for Q.No.84.

8.This writ petition is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

19.06.2023

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



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To

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Department of School Education Secretariat,
Chennai – 9.
2. The Commissioner, School Education Department,
DPI Campus, College Road, Nunkambakkam, Chennai – 6.



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G.R.SWAMINATHAN, J.

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