

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.9312 of 2014 and

M.P.Nos.1 & 2 of 2014

N.Thiripurasundari ...Petitioner

Vs.

1.The Secretary School Education,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

2.The Director of Public Instructions,
Office of the Director of Public Instructions,
Nungambakkam, Chennai.

3.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
College Road,
Chennai - 600 006.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified mandamus calling for the records pertaining to the selection of Post Graduate Assistant Recruitment 2012-2013 issued by the 3rd respondent in respect of the petitioner dated 17.01.2014 and declare the petitioner as being eligible for the post of Post Graduate Assistant Zoology.

For Petitioner : Mr.V.K.Sathiamurthy

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner, in the affidavit filed in support of this Writ Petition, would aver among other things that she is a qualified M.Sc., Zoology and also holding B.Ed., and

M.Phil., Degree and had teaching experience in the form of taking classes at Arignar Anna Arts College, wherein she worked as Guest Lecturer. The petitioner would further state that she belongs to Backward Class community and she registered her name with the jurisdictional Employment Exchange and she applied through Teachers Recruitment Board (TRB) for selection to the post of Post Graduate Assistant. The petitioner had applied for the said post and she was called for attending the examination on 21.07.2013 and she wrote the examination very well and secured 97 marks in the written examination. Subsequently, the TRB called the petitioner for Certificate Verification on 05.11.2013 and accordingly, she had produced all the certificates. The petitioner, having secured good marks and having Employment Exchange Seniority, was optimistic that she will be getting employment. The petitioner was not informed about the selection and later on, she came to know that persons who have secured lesser marks have been selected and accommodated in some of the posts.

3.The learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that though the petitioner has secured 97 marks, it got reduced to 96 marks and the reason for reduction of one mark has not been suitably indicated even in the counter affidavit filed by the third respondent and therefore, prays for appropriate orders for consideration of her candidature for selection and appointment to the post of Post Graduate Assistant.

4. Per contra, Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents has drawn the attention of this Court to the counter affidavit and would submit that though the petitioner has secured 97 marks and she was called for Certificate Verification, in the light of various Writ Petitions filed challenging the key answers, this Court took up the exercise and ordered for revaluation of the OMR answer sheets and on revaluation, the marks secured by the petitioner got reduced from 97 to 96 and since she has not reached the cut off mark prescribed for BC Category (Women), she was not called for Certificate Verification. As regards the contention put forward on behalf of the learned counsel appearing for the petitioner that even prior to Certificate Verification, weightage of marks to be added, it is the submission of the learned Special Government Pleader that in terms of the order dated 08.11.2013 made in W.P.(MD).No.17951 of 2013, weightage mark can be considered only at the time of Certificate Verification and not at the time of written examination and since she has not reached the Certificate Verification stage, her candidature was not considered and would further add that evaluation was not done on merits and as such, the petitioner cannot make complaint as to the reduction of one mark and prays for dismissal of this Writ petition.

5. This Court has considered the rival submissions and also perused the entire materials available on record.

6. The petitioner, in page no.16 of the typed set of documents, has enclosed the provisional selection list after revised Certificate Verification and on a perusal of the same, it is seen that Backward Class Women, who have secured cut off marks upto 97 got accommodated and persons who have secured less than 97 marks falling under Physically Disabled and Backward Class got accommodated and none of the Backward Class Women, who have got 96 marks got selected. The third respondent, in the counter affidavit, also took a stand that pursuant to the orders passed by this Court, OMR answer scripts were revalued in accordance with correct answers and therefore, mark of the petitioner has been reduced by one mark and since the total marks of the petitioner is below the cut off mark for Backward Class Women, she was not called for Certificate Verification and only at the time of Certificate Verification, weightage marks can be considered. This Court finds considerable force in the contention put forward by the learned Special Government Pleader appearing for the respondents. The petitioner has not alleged any malafide or allegations as to the evaluation done.

7. In the light of the fact that the cut off mark of the petitioner has fallen below the prescribed cut off mark of 97 in respect of Backward Class Category - Women, the petitioner was not called for Certificate Verification. It is also a well settled position of law that in the absence of any rule, the petitioner, as a matter of right, cannot ask for revaluation of the answer scripts.

8. This Court, on a careful scrutiny of the entire materials, is of the considered view that the contentions put forward on behalf of the petitioner lacks merit.

9. In the result, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

jvm

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1.The Secretary School Education,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

2.The Director of Public Instructions,
Office of the Director of Public Instructions,
Nungambakkam, Chennai.

3.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
College Road,
Chennai - 600 006.

+ 1 cc to The Govt. Pleader, Sr 73672

+ 2 ccs to Mr.V.K.Sathiamurthy, Advocate Sr 73579

KR/23/02/2017



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