

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4.11.2016

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.A.No.822 of 2014

R.Parameswari

... Appellant

Versus

1. The State of Tamilnadu,
rep. by its Secretary to Government,
School Education Department,
Fort St. George, Chennai 600 009.
 2. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
 3. The Teachers Recruitment Board,
rep. by its Secretary,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai 600 006.
- ... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 27.3.2014 passed in W.P.No.1775 of 2014 on the file of this court.

W.P.No.1775 of 2014:

Petition praying to issue a Writ of Mandamus, directing the respondents herein to declare the petitioner (Roll No.13PG24010616) as qualified candidate in the examination conducted by the 3rd respondent on 21.7.2013 for the post Graduate Assistants/ Physical Education Directors Grade I in Cuddalore District by awarding 21 marks to the petitioner for the Question Nos.22 35 38 45 51 52 58 70 75 76 89 91 92 96 97 109 113 115 117 128 & 145 (total 21 questions) in the B Series question paper in the examination conducted by the 3rd respondent on 21.7.2013 and result published on 23.12.2013 and consequently select and appoint the petitioner to the post of Post Graduate Assistants (Tamil) Grade I in Cuddalore District based on the revaluation.

For appellant : Mr.M.Sivavarthanan
For R1 and R2 : Mr.R.Prathapkumar,
Additional Government Pleader
For R3 : Mr.P.Sanjay Gandhi
Additional Government Pleader

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the appellant, Mr.R.Prathapkumar, learned Additional Government Pleader, who is directed to take notice on behalf of respondents 1 and 2 and Mr.P.Sanjay Gandhi, learned the learned Additional Government Pleader for the third respondent.

2. The writ appeal is filed challenging the order dated 27.3.2014 passed in W.P.No.1775 of 2014.

3. By the impugned order dated 27.3.2014, the learned Single Judge dismissed the writ petition on the ground of delay. According to the appellant/petitioner, she was first in point of time in preferring the writ petition viz., she had filed the same on 22.1.2014 and an interim order was initially granted, but, subsequently her writ petition was dismissed by the impugned order. It is the contention of the appellant/petitioner that the writ petitions filed by the similarly persons were disposed of granting relief in their favour and in such a way, in W.P.No.662 of 2014 filed by a similarly placed person, a learned Single Judge, by following the order of the Division Bench of Madurai High Court, passed an order which reads as under:-

"6. On a perusal of the said order, I find that in the said writ petition, the error pointed out by the writ petitioner therein insofar as 21 questions are concerned, the Teachers Recruitment Board has also accepted the same before the Division Bench. Hence, the Division Bench directed the appellants therein to work out the ranking of the writ petitioner therein based on 21 grace marks. The petitioner herein, who has also attended the same question paper, is now seeking for the same relief in the present writ petition. The learned Additional Government Pleader has also submitted that the petitioner has also attended the same question paper. Therefore,

following the interim order passed by the Division Bench of the Madurai Bench of this court, this court is constrained to pass the following order:-

"The respondents are directed to work out the ranking of the petitioner by providing 21 grace marks. This writ petition is disposed of accordingly. Consequently, M.P.Nos.1 & 2 of 2014 are closed. No costs."

4. In view of the above, it is for the respondent authority to conduct the recruitment as per the seniority of the petitioner, after affording grace marks to the appellant/petitioner as pointed by the learned Single Judge. The writ appeal is disposed of setting aside the impugned order passed by the learned Single Judge. However, the recruitment to be conducted would be subject to the result of the Writ Appeal pending before the Madurai Bench in W.A.Nos.1089 and 1090 of 2013. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To:

1. The State of Tamilnadu,
The Secretary to Government,
School Education Department,
Fort St. George, Chennai 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai 600 006.
3. The Teachers Recruitment Board,
The Secretary,
EVK Sampath Maligai,
DPI Compound, College Road,
Chennai 600 006.

+1cc to the Government Pleader sR.63308
+1cc to Mr.M.Sivavarthan, Advocate Sr.63140

W.A.No.822 of 2014

srg 23/11/2016