

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2017

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THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition Nos.32095 to 32097 of 2017

B.Ranganayagi ...Petitioner in W.P.32095/2017

R.Mahalakshmi ...Petitioner in W.P.32096/2017

G.Prakash ...Petitioner in W.P.32097/2017

Vs.

1.The State of Tamil Nadu
Rep. By its Chief Secretary
Secretariat, Fort St.George
Chennai-600 009

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

3.The Chairman
Teachers Recruitment Board
College Road, Chennai-600 006 ...Respondents in all the
above WPs.

Prayer in all the above WPs. :- Writ Petition filed under Article 226 of Constitution of India, praying to issue a Writ of Mandamus directing the respondents to grant 20 marks to the deleted 20 questions to the petitioner which is legally entitled in connection with recruitment to the post of computer instructor held on 24.01.2010 by 3rd respondent within the time stipulated by this court.

For Petitioner : Mr.S.Rajkumar

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

COMMON ORDER

The learned counsel for the petitioners fairly submits that identical relief has been sought for by other writ petitioners in W.P.Nos.29514 to 29568 and 23354 of 2017 (S.A.Farvin Vs. The State of Tamil Nadu, rep. By its Chief Secretary, Secretariat, Fort St.George, Chennai-600 009 and two others) and this court, disposed of the said Writ Petitions, by order dated 20.11.2017. The said order reads as follows:

" 2. These Writ Petitions have been filed seeking a Writ of Mandamus by directing the respondents to grant 20 marks to the deleted 20 questions to the petitioners in connection with recruitment to the post of computer instructor held on 24.01.2010 by 3rd respondent.

3. Learned counsel appearing for the petitioners would submit that all the petitioners were appointed as computer instructors through Electronics Corporation of Tamilnadu on a contract basis in the year 1999. After nearly about seven years, the 1st respondent took a policy decision to have one post of 'computer instructor' in every Government Higher Secondary School / Corporation / District Municipalities / Municipalities Higher Secondary Schools, vide G.O.Ms.Nos.187 and 188 dated 14.01.2006. Therefore, all the contracted computer instructors were directed to appear for a special test to be conducted by the 3rd respondent herein. As a stop gap arrangement and in view of the contract computer instructors not having B.Ed., Degree qualification, 3rd respondent specified that the minimum qualifying mark would be 50. Subsequently, taking note of some wrong questions framed, W.P.No.7567 of 2010 was filed before this Court, challenging the examination on the ground that many questions were wrongly framed and sought for re-examination. This Court, considering the claim made by both the parties, dismissed the same on 13.04.2010. Being aggrieved against the same, Writ Appeal No.837 of 2010 was filed before the Hon'ble Division bench of this Court and pending writ appeal, this Court sent the alleged question papers to Indian Institute of Technology, Madras, for scrutiny.

The Indian Institute of Technology, Madras, submitted a report stating that 20 questions were wrongly framed. On the basis of the report submitted by the Indian Institute of Technology, Madras, Hon'ble Division Bench of this Court, disposed of the writ appeal on 20.12.2012 by issuing a direction to fill up the vacancies based on their qualifying marks in the remaining questions.

4. Adding further, learned counsel for the petitioner submitted that subsequently, comprehensive writ petitions were also filed by the petitioners before the Hon'ble Supreme Court of India under Article 32 of the Constitution of India in W.P.(C) Nos.163, 259 of 2015. However, when the matter was taken up for consideration before the Hon'ble Apex Court, a prayer was made to withdraw the petitions with liberty to approach the High Court by way of filing writ petitions for remedy as available to them in law, granting such liberty to the petitioners, the Hon'ble Apex Court, dismissed the petitions by an order dated 31.07.2017. Pursuant thereto, the petitioners' representations have not been considered, therefore, the petitioners have come forward with these writ petitions seeking direction.

5. Learned Special Government Pleader appearing for the respondents, requested this Court to direct the petitioners to make a fresh representation to the respondents and seeks four weeks time to consider the same.

6. Since there is no proof of representation shown before this Court and I also find merits on the submission, the petitioners are directed to submit a fresh representation to the respondents within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the respondents are further directed to consider the representation made by the petitioners and pass appropriate orders, on merits and in accordance with law.

With the above directions, the writ petitions are disposed of. No costs. "

2. Following the said decision, these writ petitions are also disposed of directing the petitioners to submit a fresh representation to the respondents within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the respondents are further directed to consider the representation made by the petitioners and pass appropriate orders, on merits and in accordance with law. No costs.

Sd/-
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Chief Secretary
Secretariat, Fort St.George
Chennai-600 009
- 2.The Secretary
Department of School Education
Government of Tamil Nadu
Fort St.George, Chennai-600 009
- 3.The Chairman
Teachers Recruitment Board
College Road, Chennai-600 006

+3 ccs to Mr.S.Rajkumar Advocate sr 88245
+1 cc to Govt Pleader sr 88565

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सत्यमेव जयते

gj (co)
aa22/01/2018

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