

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.22692 and 22693 of 2017
and
W.M.P. Nos 23786 to 23789 of 2017.

T.Saral .. Petitioner in
W.P.No.22692/17
B.Duraisamy .. Petitioner in
W.P.No.22693/17

-vs-

1. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound,
College Road, Chennai - 6.
2. The Director of School Education,
DPI Compound,
College Road, Chennai - 6. ... Respondents in both WPs

Prayer in W.P.No.22692/17: Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to revalue the question Nos.17, 52 & 144 of Booklet Series "C" of the written examination for direct recruitment of PG Assistant (Tamil) in the year 2016-17 in conducted examination on 02.07.2017 and to proceed with the selection for the post of PG Assistant in Tamil based on the revaluation with correct key answer and consequently to direct the respondents to award three marks to the petitioner (Roll No.17PG01010275) based on such revaluation and to select the petitioner to the post of PG Assistant in Tamil in BC Community.

Prayer in W.P.No.22693/17: Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to revalue the question Nos.21,50,52,144 of Booklet Series "C" of the written examination for direct recruitment of PG Assistant (Tamil) in the year 2016-17 in conducted examination on 02.07.2017 and to proceed with the selection for the post of PG Assistant in Tamil based on the revaluation with correct key answer and consequently to direct

the respondents to award three marks to the petitioner (Roll No.17PG14010055) based on such revaluation and to select the petitioner to the post of PG Assistant in Tamil in MBC Community.

For petitioners: Mr.P.Ganesan
For Respondents: Mr.K.Venkataramani, AAG
Assist. By Mr.K.Rajendraprasad, GA

COMMON ORDER

The petitioners seek for issuance of a writ of mandamus to direct the respondents/Teachers Recruitment Board (TRB) to revalue some of the questions of Booklet Series 'C'.

2. In respect of W.P.No.22692 of 2017, learned counsel for the petitioner, by referring to question No.144, submitted that the petitioner has chosen option 'A' as the correct answer, whereas the TRB has stated that option C as the correct answer as could be seen from the tentative answer key published by them. Learned counsel also, by relying upon a book called Conserve, Preserve and Rejuvenate Architectural aspects of "Kanchipuram", written by Deepalashmi Jayapal and Lilly Rose Amirtham, Research Scholars of Sathyabama University, Chennai, submitted that the temple city, namely, Kanchipuram was subsequently ruled by Pallavas (435AD to 910 AD), followed by Cholas (127AD to 1326AD), Vijayanagara (1326AD to 1645 AD) and British Rulers (1645AD to 1947 AD). It further says that the city with its rich history stands as a treasure of heritage and holds a special place in the pride of South India. Therefore, option A chosen by the petitioner is the correct answer.

3. However, Mr.K.Balamurugan and Dr.N.Rajendran, both are Associate Professors (History) at Presidency College, Chennai, justified option C as the correct answer and thereby they have also submitted that the research paper by Deepalashmi Jayapal and Lilly Rose Amirtham, both are Research Scholar, Faculty of Building and Environment, Sathyabama University, Chennai, is carrying only presumptive value and therefore, it has to be further affirmed and certified by authoritative institute which has not been done so. Therefore, the research paper as submitted by the learned counsel for the petitioner cannot be accepted. Again, by referring to the text-book recommended for +2 students, the Experts have stated that option C as the correct answer for question No.144, for the reason that Varadharaja and Ekamparanatha temples at Kanchipuram are rightly found the style of Vijayanagara architect.

4. Thus, in view of the above, this Court, by accepting the opinion of Experts, is not inclined to accept the contention of the petitioner. With regard to question Nos.17 and 52, this

Court has already held against the petitioner, vide its interim order dated 02.11.2017 and that the same stands as part and parcel of this order.

5. With regard to question No.50, learned counsel for the petitioner submitted that the petitioner has selected option 'D' as the correct answer. It is his further contention that the TRB has framed this question wrongly, since they have worded option C as miwkwp, instead of miwkiw and therefore, for the fault committed by the TRB, the petitioner should not be penalized.

6. On the other hand, expert Dr.R.Raman from Government Arts College, Nandanam, Chennai, submitted that the petitioner is not entitled to get one mark since he has chosen wrong option 'D'. Admitting that option 'C' has been wrongly worded instead of miwkiw, it is submitted that the petitioner should have understood the first word of option C in view of the second word, namely, ghg;g[, but, he has failed to understand the same.

7. In view of the aforesaid opinions of the Expert, this Court, sitting under Article 226 of the Constitution of India, cannot act like an expert body by replacing the opinions of the Experts, therefore, this Court, by accepting the opinions of the Experts, is not inclined to entertain the writ petitions. Accordingly, for the reasons stated above, both the writ petitions fail and they are dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

सत्यमेव जयते

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To

1. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound,
College Road, Chennai - 6.

WEB COPY

2. The Director of School Education,
DPI Compound,
College Road, Chennai - 6.

+2 Ccs to Mr.P. Ganesan, Advocate sr 82352 & 82353.

W.P.Nos.22692 and 22693 of 2017

SP(19/01/2018)



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