

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.11.2017

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.Nos.23127 and 23128 of 2017

V.Muthukumar .. Petitioner in W.P.No.23127/17
S.Malini .. Petitioner in W.P.No.23128/17

-vs-

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

Prayer in W.P.No.23127/17: Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to add 5 marks to the total mark of 73 scored by the petitioner in the written examination conducted on 02.07.2017 and consequently permit the petitioner to participate in the certificate verification within a stipulated time.

Prayer in W.P.No.23128/17: Writ Petitions filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to add 3 marks to the total mark of 74 scored by the petitioner in the written examination conducted on 02.07.2017 and consequently permit the petitioner to participate in the selection process conducted for recruitment to the post of graduate assistant for the year 2016-2017 within a stipulated time.

For petitioners: Mr.T.P.Prabakaran

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 award 5 marks and 3 marks respectively in addition to their total marks obtained in the written examination conducted on 02.07.2017 and consequently permit them to participate in the Certificate Verification.

2. The petitioners have applied for the post of Tamil Nadu Higher Secondary Education Service through online and thereafter, they have also attended the written examination conducted by the TRB on 02.07.2017. In the written examination, the petitioners have secured 73 and 74 marks respectively. However, their names were not found place in the provision list of candidates called for Certificate Verification. According to the petitioners, on verification of the tentative key answers published by the TRB, it is found that the petitioners are entitled to get 5 marks and 4 marks respectively and therefore, they have applied for answer sheet before the respondents, but, there was no response. Thus, the present writ petition with a prayer cited supra.

3. In respect of W.P.No.23127 of 2017, learned counsel for the petitioner, by referring to question No.66, submitted that the petitioner has rightly answered the option 'B', whereas the respondent has refused to award the mark for this question on the ground that the tentative key answer published by the TRB is 'D'. Substantiating his answer, learned counsel has also relied upon two text books, namely, இந்திய பண்பாடு (6th standard) சமூக அறிவியல் (12th standard). From the said text books, it is seen that 'B' Kaliman is the correct answer for question No.66.

4. However, Mr.K.Balamurugan, who is an expert and working as Associate Professor in History, Presidency College, Chennai, attempted to justify the option 'D' as the correct answer. Taking support from a book called Ancient Indian History and Civilization, which is recommended for PG students, submitted that the answer for question No.66 given in the textbooks for 6th standard and 12th standard cannot be accepted, since the above said book only is recommended for PG students. Therefore, the petitioners also should have answered based on PG standard.

5. This Court is unable to agree with the above said submission for the reason that the Government of Tamil Nadu has published two textbooks, from which, it can be seen that 'B' (Kaliman) is the correct answer for question No.66 and therefore, when such being the admitted position, the respondent

cannot say that a candidate has to answer based on the books pertaining to PG standard.

6. With regard to question No.103, it is stated by the learned counsel for the petitioner that 'B' is the correct answer, whereas the tentative key answer published by the TRB shows 'A' as the correct answer. However, page No.51 of the recommended book, namely, A History of South India, states as follows:

"..... These facts and similar evidence from Nandi Kanama and Khandivli have led to the supposition that the first appearance of microliths may be placed some time between 8000 and 6000 B.C. "

A mere reading of the above shows that 'A' is the correct answer for question No.103. Therefore, the contention of the petitioner stating that B is the correct answer cannot stand to any good reason.

7. With regard to question No.107, it is submitted that the question was to select the incorrect answer from among the four options given in the question paper. According to the petitioner, all the four options are correct answers. To substantiate his contention, learned counsel has also relied upon a book called "History of Ancient Tamil Nadu", written by Dr.K.Venkatesan. However, disputing the same, Dr.N.Rajendran, who is an expert and working as Associate Professor in History, stated 'B' as the correct answer and he has also, by relying upon page Nos.548 and 549 of The Colas, written by K.A.Nilakanta Sastri, Emeritus Professor of Indian History and Archaeology, University of Madras and Professor of Indology, University of Mysore, submitted that signs of exclusiveness and class-rivalry are not altogether wanting, but, these tendencies were apparently well under control. Thus, since the book referred by the Expert says 'B' as the correct answer, this Court has no other option except to confirm the same.

7. In view of the above, even if one mark is awarded to the petitioner in W.P.No.23127 of 2017 in respect of question No.66, he would get only 74 marks as against the cut-off marks of 75 fixed by the TRB, therefore, the prayer of the petitioner to permit him to participate in the Certificate Verification is liable to be rejected. Accordingly, W.P.No.23127 of 2017 is dismissed.

8. In respect of W.P.No.23128 of 2017, as stated above, the petitioner is entitled to get one mark for question No.66. Since she has already secured 74 marks, she would now get 75 marks in view of addition of one mark to question No.66.

Therefore, the respondents are directed to permit her to participate in the Certificate Verification, if she is otherwise qualified. Accordingly, W.P.No.23128 of 2017 is disposed of.

No Costs. Consequently, all the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

rkm

To

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

2.The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Compound,
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+ 2 ccs to Mr.T. P. Prabakaran, Advocate Sr.82290, 82291

W.P.Nos.23127 and
23128 of 2017

EU (04/12/2017)

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