

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.04.2017

CORAM

THE HONOURABLE Mrs. JUSTICE PUSHPA SATHYANARAYANA

W.P.No.19403 of 2016

K. Sheela

...Petitioner

Versus

The Chairman,
Teachers Recruitment Board,
No.52, EVK Sampath Malaigai,
4th Floor, College Road,
Thousand Lights,
Chennai - 600 006.

...Respondent

Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus to direct the respondent to award 7 marks as she is eligible for the same in the Teachers Eligibility Test held on 12.07.2012.

For Petitioner : Mr.B.Vijayakumar
For Respondent : Mrs.Vasudha Thiagarajan

O R D E R

This Writ Petition has been filed seeking for a direction to the respondent to award 7 marks in the Teachers Eligibility Test held on 12.07.2012, which she is entitled to.

2. The case of the petitioner is that she had written the Teacher Eligibility Test on 12.07.12. After the examination, when she perused the answers through Net, she noticed that in the key answers certain questions though were written correct they were marked wrong. Therefore, the petitioner has lost seven marks. However, some answers were marked correct in the other booklets 'B' and 'C'. It is her further case that in booklet 'A', certain question numbers are marked as wrong in the key answers. Whereas, in Booklets 'B' and 'C' some questions were marked correct in the key answers. The petitioner seems to have scored 88 marks and she had to be awarded additional six marks in English and one mark in EVS totally seven marks. If the said marks are awarded, it would increase her marks to 95. Whereas, minimum pass mark is 90. Hence the petitioner has come forward with this Writ Petition seeking for the aforesaid relief.

3. The respondent has filed counter affidavit and contested that the tentative key answers were published and objections were received from the candidates and based on the experts views released the final key and results on 05.12.2012 itself. As the petitioner approached this Court after four years, the Writ Petition is liable to be dismissed on the ground of delay in laches. It is also stated that the board has already issued the provisional selection and for all those candidates appointment orders were also issued by the respondent. It is further stated that the respondent Board has conducted subsequent Teachers Eligibility Test in the year 2013 after notifying the vacancies.

3. Admittedly, the examination was undertaken by the petitioner in the year 2012 and final key answers were released on 05.12.2012. The petitioner had given a representation to the respondent before the publication of the key answers on 16.08.2012. Thereafter, she has not pursued the same and issued legal notice after three years i.e. on 26.09.2015. Even after issuance of legal notice the petitioner had not taken up the same and filed Writ Petition only on 03.06.2016.

4. In my considered opinion, the present Writ Petition is liable to be dismissed on the ground of delay and laches. The time gap between the publication of results and the date of presentation of the Writ Petition is very wide viz., more than 4 years. There is certainly laches on the part of the petitioner in filing the above Writ Petition. As stated earlier, the next set of examination has also been conducted notifying the vacancies. Therefore claim of the petitioner cannot be entertained.

5. In the result, this Writ Petition is dismissed. No costs.

Sd/-

सत्यमेव जयते
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

arr

To

The Chairman, Teachers Recruitment Board,

No.52, EVK Sampath Malaigai,

4th Floor, College Road, Thousand Lights, Chennai - 600 006.

+ 1 cc to M/s. B. Vijayakumar, Advocate SR.23715

+ 1 cc to the Government Pleader SR.23501

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GMI (CO)

EU 3.5.17