

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2017

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THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition No.17519 of 2017

P.S.Yasodha

..Petitioner

Vs.

The Tamil Nadu Teachers Recruitment Board
Rep. by its Member - Secretary
College Road, Chennai-600 006.

..Respondent

Prayer :

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondent to publish the result in respect of Tamil Nadu Teacher Eligibility Test conducted by it on 30.04.2017 for the year 2017 with regard to the petitioner's Roll No./Regn. No. being 17TE22900639 by taking into account the Question Paper Serial Code for Paper II as B Series and Serial No.2201354.

For Petitioner : Mr.C.P.Sivamohan
For Respondent : Mr.K.Venkataraman, AAG
assisted by
Mr.A.Kumar,
learned Special Government Pleader

सत्यमेव जयते
O R D E R

The petitioner seeks for a mandamus directing the respondent to publish the result in respect of Tamil Nadu Teacher Eligibility Test conducted by the respondent on 30.04.2017 for the year 2017 with regard to the petitioner's Roll No./Regn. No.17TE22900639 by taking into account the Question Paper Serial Code for Paper II as B Series and Serial No.2201354.

2. The case of the petitioner is as follows:

2.1. She is qualified for the post of BT (Assistant). She wrote the Tamil Nadu Teachers Eligibility Test conducted by the respondent for the year 2017. She was issued a hall ticket to

write the said test in respect of paper II. She was assigned Roll No./Regn. No.17TE22900639. She wrote the said examination. However, at the examination hall, when she was directed to fill up the OMR sheet, by inadvertently she had forgotten to fill up Column No.1 therein which deals with Question Paper Serial Code, as "B Series". She did not notice the said omission and only later she realized the mistake. She was shocked and surprised to note that her results were withheld probably for not filling up the Serial Code in OMR sheet. Therefore, the present writ petition is filed for the relief as stated supra.

3. The respondent filed a counter affidavit, wherein, it is stated as follows:-

The Teacher Eligibility Test Examination is of objective type and the answers are to be shaded in the printed Optical Mark Reader answer sheet given to the candidates in the examination hall. Evaluation is by means of electronic process. Column No.3 of the OMR answer sheet requires the candidates to fill up and shade as to what the Serial Code of the question paper supplied to the candidates. The petitioner did not mention whether the question paper supplied to her was 'A' series, or 'B' series, or 'C' series or 'D' series. Since the Column No.3 of the OMR answer sheet relating to the question paper Serial Code was neither duly filled up nor shaded, the computer could not evaluate the OMR answer sheet of the petitioner. "Instructions to Candidate" given in the OMR sheet categorically state that, since the evaluation is an electronic process, if the instructions are not followed the answer sheet is liable to be rejected. Consequently, the OMR answer sheet of the petitioner was not valued.

4. The learned counsel for the petitioner submitted that not filling the question paper Serial Code in the answer sheet was neither wilful nor wanton and it was purely due to inadvertence. He further submitted that when the other columns are duly filled up and the signature of the Invigilator is also found in the answer sheet, the respondent can consider the case of the petitioner and allow the answer sheet to be evaluated by treating the question paper Serial Code given to the petitioner as B.

5. On the other hand, Mr.K.Venkataramani, learned Additional Advocate General appearing for the respondent submitted that when the instructions given to the petitioner and other candidates, in clear and categorical terms, state that the evaluation is an electronic process and if the instructions are not followed, the answer sheet is liable to be rejected, the petitioner now cannot come and canvass before this Court that the said mistake committed by her due to inadvertence can be condoned and her answer sheet can be evaluated. He further

submitted that under identical circumstances, this Court has rejected a similar relief sought for in WP.No.8201 of 2014 dated 03.04.2014 by following the decision of the Division Bench reported in 2006(3) CTC 449. Therefore, he submitted that the petitioner is not entitled to the relief sought for in this writ petition.

6. Heard both sides.

7. It is not in dispute that the petitioner has not filled in Column No.1 in the answer sheet viz., Question Paper Serial Code. In the instructions given to the candidates, it is specifically stated that if the OMR sheet is not properly filled in or wrongly filled in, the OMR sheet will be rejected. It is relevant to note the instructions 9 & 10, which read as follows:

"9. OMR Answer sheet should be carefully filled up as per instructions given in the Question Booklet and on the OMR answer sheet. The duplicate copy of the OMR given to the candidates after the examination should be retained till the selection process is over.
10. If the OMR answer sheet is not properly filled or wrongly filled, the OMR shall be rejected."

8. Moreover, it is not in dispute that the evaluation of the answer sheet is not made manually and it is through computer only. Further perusal of the order passed by the learned Single Judge in WP No.8201 of 2014 dated 03.04.2014 would show that the facts involved in the said case are similar and identical to the facts of the present case. At Paragraph No.2 of the said decision, the learned Judge has referred that the petitioner therein did not mention as to whether the question paper supplied to her was 'A' series, 'B' series, 'C' series or 'D' series. Thus by following the decision of the Division Bench reported in 2006(3) CTC 449, the learned Judge in the above case has ultimately found at Paragraph No.8 as follows:-

"In my considered opinion, the OMR sheet is a document signed by the petitioner with a declaration and the same cannot be altered or changed by the respondents at any cost, either with the permission of the petitioner or without the permission of the petitioner. Filling up of the required columns in the OMR sheet is mandatory and as has been held by the Division Bench in the above judgment, failure to do the same will only result in rejection of the answer sheet. In such view of the matter, I hold that the respondents are right in not evaluating the answer sheet

(OMR sheet) of the petitioner. I do not find any merit in the writ petition."

9. Considering the fact that the present case, as projected by the petitioner, squarely falls within the facts and circumstances of the above said case and further considering the fact that the learned Judge has chosen to pass the order, after following the said decision of the Division Bench, I do not think that the petitioner, who is similarly situated, is entitled to get any relief in this writ petition. Accordingly, by following the above said decision, this writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

mk

To

The Member - Secretary,
The Tamil Nadu Teachers Recruitment Board,
College Road, Chennai-600 006.

+1cc to Mr.C.P.Sivamohan, Advocate SR.No.50809
+1cc to Government Pleader SR.No.51360

WP. No.17519 of 2017

GJ(CO)
GN(03/08/2017)

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