

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos. 29514 to 29568 and 23354 of 2017

S.A.Farvin	..	Petitioner IN	W.P.No.29514 of 2017
SIVAKUMAR.S.	..	Petitioner IN	W.P.No.29515 of 2017
SENTHIL.A	..	Petitioner IN	W.P.No.29516 of 2017
RADHA S	..	Petitioner IN	W.P.No.29517 of 2017
A.L.PRABHAVATHI	..	Petitioner IN	W.P.No.29518 of 2017
D.SANKAR	..	Petitioner IN	W.P.No.29519 of 2017
M.TAMIL SELVI	..	Petitioner IN	W.P.No.29520 of 2017
T.R. THIRUMALAIRAJAN	..	Petitioner IN	W.P.No.29521 of 2017
UMARANI.V	..	Petitioner IN	W.P.No.29522 of 2017
PALANI.A	..	Petitioner IN	W.P.No.29523 of 2017
THEIVAM.K	..	Petitioner IN	W.P.No.29524 of 2017
RAJARAJESHWARI R	..	Petitioner IN	W.P.No.29525 of 2017
MUTHAMIZHSELVI.P	..	Petitioner IN	W.P.No.29526 of 2017
U.VISALATCHI	..	Petitioner IN	W.P.No.29527 of 2017
K.RAJAMMAL	..	Petitioner IN	W.P.No.29528 of 2017
M.PRAKASH	..	Petitioner IN	W.P.No.29529 of 2017
MADESHKUMAR.R	..	Petitioner IN	W.P.No.29530 of 2017
SATHESWARAN	..	Petitioner IN	W.P.No.29531 of 2017
KUMAR.T	..	Petitioner IN	W.P.No.29532 of 2017
G.M.SENTHIL	..	Petitioner IN	W.P.No.29533 of 2017
S.SENTHILKUMAR	..	Petitioner IN	W.P.No.29534 of 2017
SHEELA.V.	..	Petitioner IN	W.P.No.29535 of 2017
DHINESHKUMAR.V	..	Petitioner IN	W.P.No.29536 of 2017
BHUVANESWARI.K	..	Petitioner IN	W.P.No.29537 of 2017
CHITRAPRIYATHARSINI.M	..	Petitioner IN	W.P.No.29538 of 2017
T.E.RAMESH	..	Petitioner IN	W.P.No.29539 of 2017
V.NIRMALA	..	Petitioner IN	W.P.No.29540 of 2017

M.RAJAMANI	..	Petitioner IN	W.P.No.29541 of 2017
K.BALASUBRAMANIAN	..	Petitioner IN	W.P.No.29542 of 2017
KANNAN.N.	..	Petitioner IN	W.P.No.29543 of 2017
D.VELAYUDHAM	..	Petitioner IN	W.P.No.29544 of 2017
S.SUNDARARAJAN	..	Petitioner IN	W.P.No.29545 of 2017
M.BANU REKA	..	Petitioner IN	W.P.No.29546 of 2017
S.HAZEENA	..	Petitioner IN	W.P.No.29547 of 2017
M.SUBA	..	Petitioner IN	W.P.No.29548 of 2017
M.ELIZABETH	..	Petitioner IN	W.P.No.29549 of 2017
K.V.KAMALA	..	Petitioner IN	W.P.No.29550 of 2017
A.IMMANUVEL	..	Petitioner IN	W.P.No.29551 of 2017
UMA.S.	..	Petitioner IN	W.P.No.29552 of 2017
SUBINAYAGAN.A	..	Petitioner IN	W.P.No.29553 of 2017
SURESH U	..	Petitioner IN	W.P.No.29554 of 2017
IYYANAR.B.	..	Petitioner IN	W.P.No.29555 of 2017
PIRUBURAJA.P.	..	Petitioner IN	W.P.No.29556 of 2017
R.JOHSY RANI	..	Petitioner IN	W.P.No.29557 of 2017
STEBHEN.S.	..	Petitioner IN	W.P.No.29558 of 2017
T.MURUGESH KUMAR	..	Petitioner IN	W.P.No.29559 of 2017
BASKAR .K.	..	Petitioner IN	W.P.No.29560 of 2017
MURUGAN.V	..	Petitioner IN	W.P.No.29561 of 2017
K.SUBHA	..	Petitioner IN	W.P.No.29562 of 2017
THILAGAVALLI.K	..	Petitioner IN	W.P.No.29563 of 2017
W.RAJESH KUMAR	..	Petitioner IN	W.P.No.29564 of 2017
SURESH PULIDURAI.G.	..	Petitioner IN	W.P.No.29565 of 2017
PARASURAMAN.K.	..	Petitioner IN	W.P.No.29566 of 2017
PANDIYARAJAN.S.	..	Petitioner IN	W.P.No.29567 of 2017
KAMESH BABU .L.	..	Petitioner IN	W.P.No.29568 of 2017
B.RAJKUMAR	..	Petitioner IN	W.P.No.23354 of 2017

-vs-

1. THE STATE OF TAMILNADU
REP. BY ITS CHIEF SECRETARY,
SECRETARIAT, FORT ST. GEORGE,
CHENNAI - 600 009

2. THE SECRETARY,
DEPARTMENT OF SCHOOL EDUCATION,
GOVERNMENT OF TAMILNADU
FORT ST. GEORGE,
CHENNAI - 600 009

3. CHAIRMAN,
TEACHERS RECRUITMENT BOARD,
COLLEGE ROAD,
CHENNAI - 600 006

..RESPONDENTS IN ALL WP'S

Petitions is filed under Article 226 of the Constitution of India, praying for the issue of 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 in all W.Ps.

For Petitioners : 1. MR.P.R.Kovilan in WP.23354/17
2. Mr.V.Venkatesan in
WP.29514 to 29568/17

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader
in all WP's

C O M M O N O R D E R

With consent, the main writ petitions are taken up for final disposal at the admission stage. Since the issues involved in all these petitions are one and the same, they are taken up together and a common order is being passed. Further, it is mentioned before this Court that the similarly placed person, namely, B.Rajkumar, like that of the petitioners, has filed a W.P.No.23354 of 2017, therefore, the same is also taken up on board and included in this common order.

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, a 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, within a period of four weeks.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

ssd

To

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

+1cc to the Government Pleader, S.R.No. 82873

+1cc to Mr.p.r.kovilan poorkundram Advocate,
S.R.No. 82790

+55cc to Mr.venkatesan Advocate, S.R.No. 82789

W.P.Nos. 29514 to 29568 and 23354 of 2017

RV(CO)
SP(14/12/2017)

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