

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.06.2017

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
And
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.2736 of 2012

R.Ponnu

... Appellant

Vs.

The Chairman
Teachers Recruitment Board,
Fourth Floor,
E.V.K.Sampath Maaligai,
College Road,
Chennai - 600 006.

... Respondent

Prayer:

Writ appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 08.10.2012 made in W.P.(MD) No.9886 of 2012.

Prayer in W.P. 9886 of 2012:

Writ petition has been filed under Article 226 of the constitution of India to issue a Writ of Mandamus directing the respondent to assign marks to be question numbers 27,58 and 83 to the petitioner in the recruitment for the post of Lecturer of Physics for Government Polytechnic Colleges 2011-2012 in Advertisements number 2/2012 dated 22.02.2012 and on that basis to conduct interview and certificate Verification and to consider the representing the petitioner dated 16.07.2012.

For Appellant : Mr.L.Chandrakumar

For Respondent : Mr.K.Dhananjayan

Special Government Pleader

J U D G M E N T

(Order of the Court was made by M.DHANDAPANI,J.)

The writ appeal is filed against the order dated 08.10.2012 in W.P.(MD) No.9886 of 2012.

2.Heard the learned counsel appearing for the appellant and the learned Special Government Pleader appearing for the respondent.

3.The respondent issued a Notification dated 27.02.2012 for the post of Lecturers for Government Polytechnic College. Accordingly, hall ticket was issued to the appellant for attending the examination and after conducting the examination, the respondent published the key answer and issued a tentative list and called for certificate verification. The appellant's name was in the 16th place of the tentative list. In the meanwhile, on 16.07.2012, the appellant made a representation to the respondent for providing three marks for question nos.27, 58 and 83, however, the respondent did not award the marks and aggrieved by the same, the appellant filed a writ petition in W.P.No.9886 of 2012 before this Court.

4.The learned Single Judge of this Court after considering the appellant's claim elaborately and after obtaining the Expert's opinion dismissed the writ petition on 08.10.2012. The relevant portion of the same is extracted hereunder:

"14.The experts have referred to a text book known as "Introduction to Solid State Physics" Seventh Edition, authored by "Charles Kittel", wherein also similar equation is given. When it was pointed out to the experts that option (A) is correct, provided when it refers to 'linear media', the experts have stated that the framing of the question itself is wrong. The experts explained to the Court that if the question is with reference to free space then the correct answer shall

be $D = \epsilon E$. If the question refers to linear media (non free space),

then the correct answer would be $D = \epsilon E$. The experts have now explained to the Court that in view of the fact that the question does not make a specific mention as to whether it relates to linear media or free space, the question is defective and the same should be omitted from valuation. The paper setter has omitted the said question from valuation. In view of the same, I do not find any reason to interfere with the opinion of the paper setter as well as the experts. Thus, I hold that omission of Question No.83, from valuation is also correct."

5.The learned Single Judge has held that the question does not make a specific mention as to whether it relates to linear

media or free space. The question is defective and the same should be omitted from the valuation. The paper setter has omitted the said question from valuation and considering the above, the writ petition has been dismissed.

6.This Court feels that it is not possible to re-agitate the matter after a lapse of nearly five years as the posts would have already been filled up. Hence, this writ appeal is dismissed. No costs.

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

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To

The Chairman
Teachers Recruitment Board,
Fourth Floor,
E.V.K.Sampath Maaligai,
College Road,
Chennai - 600 006.

+1 CC to M/s. P. Kannankumar, Advocate sr 45404

+1 CC to Govt. Pleader sr 45731

W.A.No.2736 of 2012

NRI (CO)
sp(17/07/2017)

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