



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.14387 of 2017

and

W.M.P. (MD) No.11272 of 2017

Stanlyraj, S/o.Arockiyasamy

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary,
Teachers Recruitment Board,
Secretariat,
Chennai.
2. The Chairman,
Teachers Recruitment Board,
Chennai.
3. The Director,
Teachers Recruitment Board,
Chennai.
4. The Correspondent,
Sri Sai Coaching Center,
No.2/25, Raja Mill Road,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents 1 to 3 to cancel the PG-TRB (Commerce) Exam held on 02.07.2017 and consequently, direct the respondents to conduct fresh Exam.

For Petitioner : Mr.A.Arun Prasad

For R1 : Mr.D.Muruganantham
Additional Government Pleader

For R2 & R3 : Mr.VR.Shanmuganathan
Special Government Pleader

**ORDER**

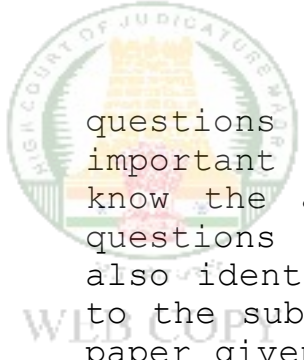
Mr.D.Muruganantham, learned Additional Government Pleader takes notice for the first respondent and Mr.VR.Shanmuganathan, learned Special Government Pleader takes notice for the respondents 2 and 3. By consent, the Writ Petition is taken up for final disposal.

2.The petitioner has come to this Court seeking a direction to the respondents 1 to 3 to cancel the PG-TRB [Commerce] Examination held on 02.07.2017 and also a consequential direction to the respondents to conduct fresh Examination. The petitioner has also sought for an interim injunction restraining the respondents 1 to 3 from publishing the result of PG-TRB [Commerce] Examination held on 02.07.2017.

3.The learned counsel for the petitioner submitted that the petitioner after completing M.Com., M.Phil., M.Ed., and P.G.D.C.A., wrote the Examination conducted for PG-TRB [Commerce] held on 02.07.2017. After writing the said Examination, he came to know that the fourth respondent Institute has leaked out many questions in their model test held before one month prior to the PG-TRB Examination conducted by the Government. On verification, it was found that 10 questions were leaked out by the said Institute without any slightest change from the model question paper and that has created huge prejudice to the petitioner and similarly placed persons.

4.The learned counsel appearing for the petitioner further submitted that a mere reading of the questions would show that unless and otherwise the PG-TRB alone has got the ability to give such kind of questions, without any change, it cannot be stated that it was a coincidence. He also submitted that since there are several materials, in which, nearly 2500 questions were given, out of which, no questions were asked in PG-TRB Examination, but only 10 questions which are verbatim found from the model question paper released by the fourth respondent Institute were asked in the PG-TRB Examination, it cannot be stated as a mere coincidence and therefore, a direction should be issued to examine the matter for taking further action.

5.But, this Court is unable to entertain the writ petition. The reason is, when the second respondent has conducted PG-TRB Examination on 02.07.2017, in which, 150 questions were asked, out of these questions, only 10 questions found in the model question papers issued by the fourth respondent Institute, are said to have been found in the PG-TRB Examination. Therefore, the contention made by the petitioner that out of 150 questions, 10 questions found in the model question paper issued by the fourth respondent Institute should not have been found in the question paper issued for PG-TRB Examination, is wholly unjustified. When these 10



questions are all in the opinion of the respondents 2 and 3, are important questions, for which, the candidates are expected to know the answer, there is nothing wrong in repeating the same questions in the Examination. Similarly, the fourth respondent also identifying the more sensitive questions, which are relevant to the subject, must have properly framed in their model question paper given to the students. Therefore, the petitioner cannot say that some of the questions found in the model question paper issued by the fourth respondent having not been found in the main question paper issued in the PG-TRB Examination held on 02.07.2017, is nothing but leakage of the question papers. If that is the case, then the fourth respondent could have framed more than 50% of the questions so as to get publicity for more enrolment in their Institute. Therefore, finding 10 questions out of 150 questions in the question paper cannot be said to be the leakage of the question paper, hence, this Court is unable to find any merit in the Writ Petition. Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-III)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamil Nadu,
Teachers Recruitment Board,
Secretariat, Chennai.
2. The Chairman,
Teachers Recruitment Board,
Chennai.
3. The Director,
Teachers Recruitment Board,
Chennai.

+1 cc to Mr.A.Arun Prasad , Advocate in SR.No. 69566
+1 cc to The Special Government Pleader in SR.No.70158

smn2

AE/JC/SAR1/04.09.2017/3P/6C

W.P. (MD) No.14387 of 2017
02.08.2017