

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED 28.03.2018
CORAM
THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.3377 of 2018
and W.M.P.No.4132 of 2018

B.Rajkumar

... Petitioner

Vs

1.The State of Tamil Nadu
Rep. by its Chief Secretary,
Secretariat, Fort St. George,
Chennai-9.

2.The Principal Secretary to Government,
Department of School Education,
Government of Tamil Nadu,
Fort St. George, Chennai-9,

3.The Member Secretary,
Teachers Recruitment Board,
College Road, Chennai-9.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India seeking for issuance of Writ of Certiorarified Mandamus to call for the records of the impugned order passed by the 3rd respondent in proceedings Rc.No. 3099/Com-Inst./LC/2015 dated 14.12.2017 and the subsequent impugned order passed by the 3rd respondent in proceedings Rc.No.13156/Com-Inst./2017 dated 05.01.2018 and quash the same and directing the respondents to grant 20 marks to the deleted ill posed wrong 20 questions contained in the examination held by the 3rd respondent herein on 24.01.2010, in pursuance of G.O.Ms.No.187 School Education Department dated 04.10.2006, to the petitioners to which they are legally entitled to and direct the 3rd respondent to award marks for the above said wrong questions and to declare the petitioners to have passed in written examination, while the Government has also created 765 posts in Computer Teaching that are lying vacant.

For Petitioner : Ms.R.Hemalatha
for Mr.P.R.Kovilan Poonkuntran
For Respondents : Mr.V.Kadhirvelu, Spl.GP for R1 & R2
Mr.P.Raja, GA for R3

O R D E R

Ms.R.Hemalatha, learned counsel appearing for the petitioners submitted that although the Hon'ble Division Bench has given direction to the 3rd respondent herein to delete 20 wrong questions, with a further direction to treat all the 130 questions and the marks given thereof on par with 150 questions and thereafter, to fix cut-off marks for the purpose of selecting the candidates for the post of Computer Instructor, the petitioners have approached the Apex Court against the order dated 20.12.2012 passed by the Hon'ble Division Bench in W.A.No.837 of 2010 etc. batch. After some arguments, the petitioners withdrawn the S.L.P.[C] No.1828 of 2013 on 28.01.2013, seeking liberty to approach the Government for appropriate relief. Permission was granted. Thereafter, a representation was made to award marks on the deleted questions.

2.Once again, the petitioners, during the pendency of the representation, approached the Apex Court in W.P.[C] No.163 of 2015 and the said Writ Petition was also withdrawn with liberty to approach the High Court by way of filing writ petition for remedy available to them in law. Accordingly, this Writ Petition has been filed.

3.Therefore, the matter needs a fresh consideration. The said submission needs to be answered.

4.In the light of the prayer made by the petitioners in the Writ Petition, this Court has to simply reject the prayer, for the reason, when the Hon'ble Division Bench in W.A.No.837 of 2010 etc. batch has passed as order on 20.12.2012, deleting all the 20 question Nos.7, 9, 11, 12, 21, 41, 43, 45, 51, 53, 56, 66, 71, 74, 91, 110, 120, 139, 146 and 148, the petitioner cannot again ask for marks on the aforementioned deleted questions.

Therefore, this Writ Petition fails and it is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Chief Secretary,
State of Tamil Nadu
Secretariat, Fort St. George,
Chennai-9.

2.The Principal Secretary to Government,
Department of School Education,
Government of Tamil Nadu,
Fort St. George, Chennai-9,

3.The Member Secretary,
Teachers Recruitment Board,
College Road, Chennai-9.

+1 cc to the Govt pleader sr24312

+1 cc to Mr.P.R.Kavilan Poonkguntran Advocate sr 23773

W.P.No.3377 of 2018
and
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