

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 10.08.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.20561 of 2018
and W.M.P.No.24161 of 2018

R.Tamizhselvan

..Petitioner

Vs

1. State of Tamil Nadu,
Rep. by its Secretary to Government,
Department of Higher School Education,
Fort St.George,
Chennai-9

2. The Chairman,
Teachers Recruitment Board,
EVK SampathMaaligai,
DPI Compound, College Road,
Chennai-6

..Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a writ of declaration, declaring the final key answer provided for the question paper in Physical Education Teacher Code: 17 SPL 01, Booklet set "A" pertaining to Question Nos.11, 23, 33, 37, 39, 75, 78 and 89 provided by the second respondent as incorrect and consequently to direct the second respondent to award marks for the above said questions and to declare the petitioner bearing Roll No.17ST26010723 to have passed in written examination and allow him to participate in the certification verification within the period that may be stipulated by this Court.

For Petitioner : Mr.D.Udhayasuriyan

For Respondents: Mrs.P.Kavitha,
Government Advocate

ORDER

Mrs.P.Kavitha, learned Government Advocate takes notice on behalf of the respondents.

2. The grievance of the petitioner in this case is that he has applied for Special Teachers Examination conducted by the second respondent though he had answered correctly question Nos.11, 23, 33, 37, 39, 75 and 89 but he has not been awarded marks and consequently he has not been selected for certificate verification even though he has done well in the examination. The petitioner's case is that though he had

correctly answered the aforesaid questions and as such expecting the call but he came to know from the key answers that his answers were not evaluated properly and by this process he was denied to be selected for certificate verification. Hence he came to file the writ petition stating that the second respondent be directed to award marks on such questions which he had correctly answered and give a call to him for certificate verification.

3. The learned counsel appearing for the petitioner submits that since the key answers for Booklet set "A" supplied to the petitioner were wrong in respect of the above questions and he had answered the questions correctly, he is entitled to the marks sought for and as such the respondents be directed to re-evaluate his answer sheet with the correct answers and give a call to the petitioner for certification verification.

4. The learned counsel appearing for the respondents submits that the contention of the petitioner is without any substance. The petitioner cannot be heard of making the aforesaid prayer inasmuch as he had filed no representation when the key answers were published inviting the objection. Therefore, the writ petition filed after being unsuccessful, on the ground stated, is devoid of merits and as such be dismissed.

5. However, the learned counsel appearing for the petitioner would submit that he had already filed representation but this Court finds that the same was dated 25.06.2018 admittedly after the cut off date as such the petitioner had not made any grievance when the objections were invited with regard to the key answers.

6. In such premises, at this belated stage, the petitioner cannot be heard of saying that since his answer sheet was not evaluated properly, as such a writ of mandamus be issued as prayed for.

7. In such view of the matter, the writ petition filed by the petitioner is devoid of merits and stands dismissed. However, the reluctance of this Court shall not stand on the way of the respondents, if they so desire to consider the representation of the petitioner. Consequently, connected miscellaneous petition is closed. But, in the circumstances there shall be no order as to costs.

Sd/-
Assistant Registrar(CS)

//True Copy//
Sub Assistant Registrar

To

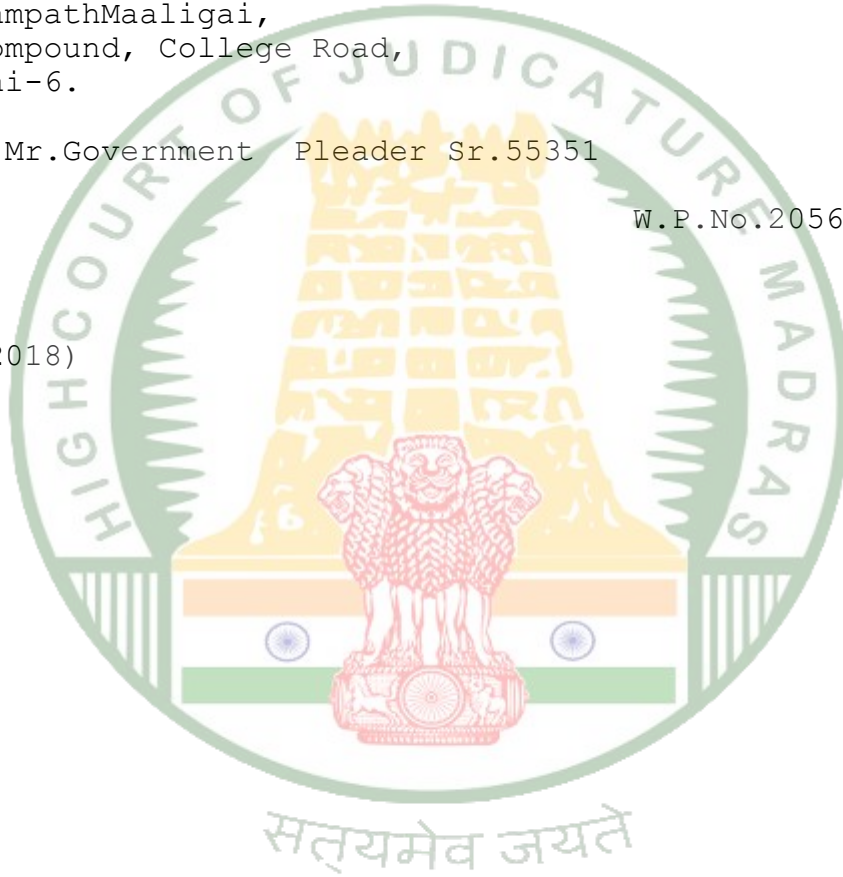
1. The Secretary to Government,
State of Tamil Nadu,
Department of Higher School Education,
Fort St.George,
Chennai-9

2. The Chairman,
Teachers Recruitment Board,
EVK SampathMaaligai,
DPI Compound, College Road,
Chennai-6.

+ 1 cc to Mr.Government Pleader Sr.55351

W.P.No.20561 of 2018

(CS-DR)
EU(04/09/2018)



WEB COPY