

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2018

CORAM :

THE HONOURABLE Mr.JUSTICE S.M. SUBRAMANIAM

W.P.No.22951 of 2017
and
W.M.P.No. 24097 of 2017

V.Saravanan

... Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.
3. The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to award two marks for the petitioner (17PG22040719) for Question Nos.27 and 82 'C' series question paper in respect of Physics subject based on the proof produced from standard Textbooks and consequently directing the respondents to allow the petitioner to participate in the Certificate Verification and to select and appoint the petitioner to the post of PG Assistant (Physics).

For Petitioner : Mr.G.Sankaran

For R1 and R2 : Mr.K.Karthikeyan
Government Advocate

For R3 : Mr.C.Munusamy
Special Government Pleader (Education)

O R D E R

The relief sought for in this writ petition is to direct the respondent to award two marks for the petitioner (17PG22040719) for Question Nos.27 and 82 'C' series question paper in respect of Physics subject based on the proof produced from standard Textbooks and consequently direct the respondents to allow the petitioner to participate in the Certificate Verification and to select and appoint him to the post of PG Assistant (Physics).

2. The petitioner states that on account of certain errors in the question paper, he is entitled to get marks in respect of those questions, which all are erroneous.

3. Pursuant to the filing of the present writ petition, the respondents have appointed an Expert Committee and the Expert Committee has submitted a report in respect of the questions and answers with reference to the original text books. The Expert Committee had consisted of Dr.V.Sivamadhavi, Associate Professor, Bharathi Women's College, Chennai, Dr.P.S.Vasuhi, Associate Professor, Bharathi Women's College, Chennai, Dr.P.Seenuvasakumaran, Associate Professor, Muthurangam Government Arts and Science College, Vellore and Dr.M.Balakrishnan, Associate Professor, Government Arts and Science College, Thiruvannamalai.

4. The Expert Committee, consisting of four professors, examined the entire question paper and answers, including the issues raised by the writ petitioner in this writ petition and submitted their report.

5. The learned Government Advocate, appearing on behalf of the respondents relying on the counter statement, made a submission that all such discrepancies were identified and the papers in respect of the candidates were rechecked by the competent authorities and wherever necessary, additional marks were granted and accordingly, final merit list was prepared and published. In this regard, Paragraph Nos. 7 and 8 of the counter filed by the third respondent is extracted hereunder:

'7. It is submitted that the petitioner avers that Final key answers published by the Teachers Recruitment Board is not correct, in respect of Question Nos., Book-let Series as detailed below :-

Question No. of 'A' Series	Question No. of 'C' Series	Key answer of the petitioner	Tentative Key	Final key
37	27	None	A	A
102	82	B/C	B	B

There is no change in the tentative keys as well as in the final key and for the Questions 27 and 82 in series 'C' the subject experts have furnished their opinion as follows :-

(* Refer Annexure)

Question No.27

Petitioner Claim Option 'None'

Subject Expert Committee's views for accepting/rejecting of candidate's representation	Though the given constant value of Bohr magneton is not correct, the candidates are expected to substitute the given value and choose any one of the options. So, the correct option is 'A' and candidate claim is rejected.
Evidence	Page No.362, Solid State Physics by Reeta John.

Question No.82

Petitioner Claim Option 'B/C'

Subject Expert Committee's views for accepting/rejecting of candidate's representation	The correct key is B. The other given options are not correct.
Evidence	Mathematical Physics with classical Mechanics by Satya Prakash Page No.1054.

8. It is submitted that it is clearly stated in the notification that objections if any has to be submitted within the stipulated time with authenticated text books. Guides, notes, printout of unauthenticated material are not accepted.''

6. The learned counsel appearing for the petitioner states that even after the report submitted by the Expert Committee, the discrepancies were not sorted out. The questions raised in this regard by the petitioner has not been resolved at all.

7. If that is the case, this Court is of an opinion that the examination papers of the writ petitioner can be once again rechecked by the competent authorities, in order to find out if there is any discrepancies or not, and thereafter take a decision and accordingly, inform the same to the writ petitioner. Thus, the respondents are directed to once again recheck the answer papers of the writ petitioner in order to find out any discrepancies arising, even after the submission of the report by the Expert Committee and if there is any such discrepancy, the same can be rectified. In the event of no discrepancy being found, then the file shall be closed. However, such a decision taken shall be communicated to the writ petitioner also.

8. With the above direction, the writ petition stands dismissed. No costs. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-V)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

mkn/sk

To

1. The Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai - 600 009.

WEB COPY

2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

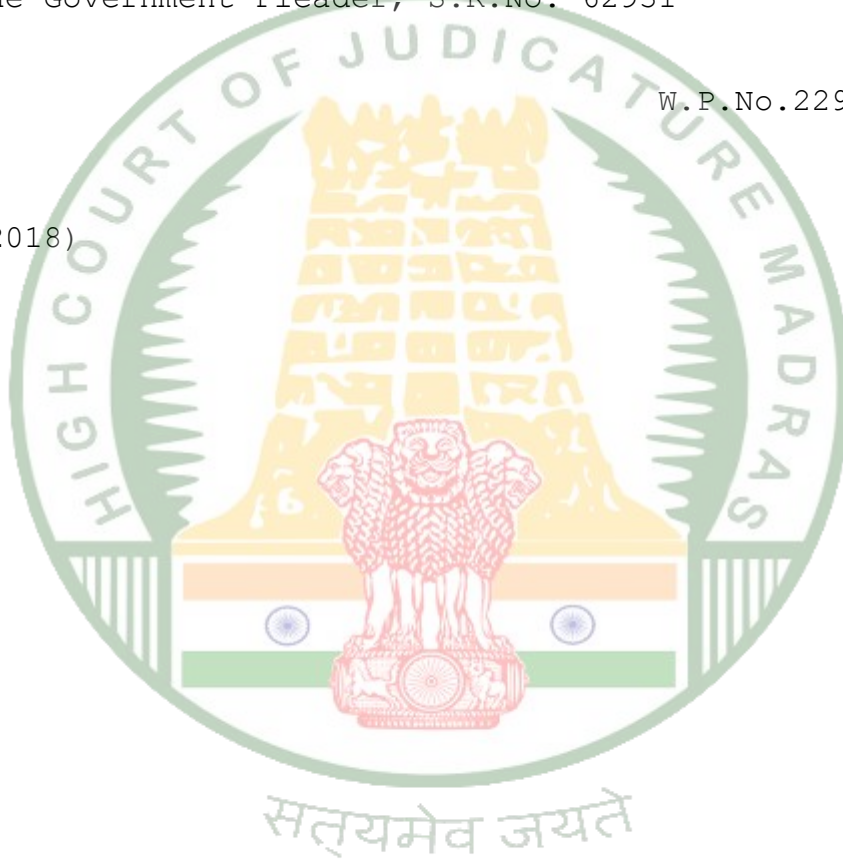
3. The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.

+1cc to Mr.G.Sankaran, Advocate, S.R.No. 63324

+1cc to the Government Pleader, S.R.No. 62931

W.P.No.22951 of 2017

PA (CO)
GN(22/11/2018)



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