

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Order Reserved : on 08.12.2017

Order Delivered : on 26.06.2018

Coram:-

The Honourable Mr. Justice T.Raja

Writ Petition Nos.27692 to 27695 and 24187 to 24192 of 2017

K. STALIN ... PETITIONER in WP No.27692 of 2017
S/O. C. KALAIVANNAN D.NO.5/97
PALLIKKUDATHANUR CHINNANUR POST SALEM 636 122

K. LENIN ... PETITIONER in WP No.27693 of 2017
S/O. P. KRISHNAN 11/30 KATTUKOTTAI
KONANGIPALAYAM KALIPATTI PO TIRUCHENGODE
TK NAMAKKAL DISTRICT 637 501

N. MERCY VENNILA ... PETITIONER in WP No.27694 of 2017
W/O. K. AROKYARAJ 83A KARIYAPPA NAGAR
SCHOOL STREET EMAPEIR POST KALLAKURICHI
606 202

K. SHOBANA ... PETITIONER in WP No.27695 of 2017
W/O.S. RAJASEKARAN OPP. JAYALAKSHMI BUNK
VADAMALAPATTI POCHAMPALLI TK KIRSHNAGIRI
635 206

N.SATHISH ... PETITIONER in WP No.24187 of 2017
S/O.M.V.NAGARAJAN NO.31 RR FAIRLANDS
KONDALAMPATTY SALEM DISTRICT.

M.MARIMUTHU ... PETITIONER in WP No.24188 of 2017
S/O.A.MURUGESAN NO.1/142 MOTTALUR VILLAGE
KARIAMANGALAM POST DHARMAPURI DISTRICT.

R.MANI BHARATHI ... PETITIONER in WP No.24189 of 2017
S/O.RAMACHANDRAN NO. 625 NORTH STREET
MUTHANDIKUPPAN PANRUTI (TK) CUDDALORE 607
805

N.PARIMALA ... PETITIONER in WP No.24190 of 2017
W/O.R.ELANGOVAN BUKKAMPATTI METTUR TALUK
SALEM DISTRICT.

S.MANJULA ... PETITIONER in WP No.24191 of 2017
D/O.SANKARAN 93 YADAVAR STREET UDHAYATOOR
RADHAPURAM TIRUNELVELI 627 111

M.SATHEESHKUMAR ... PETITIONER in WP No.24192 of 2017
S/O.S.SANTHI SEMMANUR ARANGANOOR POST
METTUR TALUK SALEM DISTRICT 636 451

vs.

- 1.The Director of School Education,
College Road,
Chennai - 6.
- 2.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
College Road, Chennai- 6. ... Respondents in all Wps.

Writ Petitions filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to

directing the respondents to award one mark each to questions 6,23,25,34 and 93 in the question Set A in the examinaion conducted in furtherance of the Advertisement No.3/2017 dated 09.05.2017 and consequently direct the respondents to appoint the petitioner in the post of Post Graduate Assistant(WP No.27692 of 2017)

directing the respondents to award one mark each to questions 21,25,45 and 90 in the question Set B in the examinaion conducted in furtherance of the Advertisement No.3/2017 dated 09.05.2017 and consequently direct the respondents to appoint

the petitioner in the post of Post Graduate Assistant (WP No.27693 of 2017)

directing the respondents to award one mark to question number 42 in the question Set C in the examination conducted in furtherance of the Advertisement No.3/2017 dated 09.05.2017 and consequently direct the respondents to appoint the petitioner in the post of Post Graduate Assistant (WP No.27694 of 2017)

directing the respondents to award one mark each to questions 42 and 62 in the question Set C in the examination conducted in furtherance of the Advertisement No.3/2017 dated 09.05.2017 and consequently direct the respondents to appoint the petitioner in the post of Post Graduate Assistant (WP No.27695 of 2017)

Directing the respondents to award one mark each to questions 4, 18 and 42 in the question Set C in the examination conducted in furtherance of the Advertisement No.3/ 2017 dated 09.05.2017 and consequently direct the respondents to appoint the petitioner in the post of Post Graduate Assistant (WP No.24187 of 2017)

Directing the respondents to award one mark each to questions 4, 18 and 42 in the question Set C in the examination conducted in furtherance of the Advertisement No.3/ 2017 dated 09.05.2017 and consequently direct the respondents to appoint the petitioner in the post of Post Graduate Assistant (WP No.24188 of 2017)

Directing the respondents to award one mark each to questions 76 and 92 in the question Set D in the examination conducted in furtherance of the Advertisement No.3/ 2017 dated 09.05.2017 and consequently direct the respondents to appoint the petitioner in the post of Post Graduate Assistant (WP No.24189 of 2017)

Directing the respondents to award one mark each to questions 6, 23, 34 and 93 in the question Set A in the examination conducted in furtherance of the Advertisement No.3/ 2017 dated 09.05.2017 and consequently direct the respondents to appoint the petitioner in the post of Post Graduate Assistant (WP No.24190 of 2017)

Directing the respondents to award one mark each to questions 76, 92 and 104 in the question Set D in the examination conducted in furtherance of the Advertisement No.3/ 2017 dated 09.05.2017 and consequently direct the respondents to appoint the petitioner in the post of Post Graduate Assistant(WP No.24191 of 2017)

Directing the respondents to award one mark each to questions 63, 76, 92 and 104 in the question Set D in the examination conducted in furtherance of the Advertisement No.3/ 2017 dated 09.05.2017 and consequently direct the respondents to appoint the petitioner in the post of Post Graduate Assistant (WP No.24192 of 2017)

For Petitioner in all Wps : Mr.A.Mohamed Ismail

For Respondents in all Wps: Mr.K.Venkataramani, AAG

Assist. By Mr.RAS.Senthilvel, AGP

COMMON ORDER

Since the issue involved in all these writ petitions are one and the same, they are disposed of by this common order. For better understanding of the case, Question Nos.6, 23, 25, 34 and 93 of Question Set A are discussed below:-

With regard to question No.23, learned counsel for the petitioner sought for a direction to the respondent TRB to award one mark to question No.23 on the ground that the original poem carries the word "Dark Dingles", not "Dance Dingles" as stated in Question No.23 of A series. Due to such wrong question, the respondent TRB has created doubts among candidates, who have thoroughly prepared for the examination. Therefore, the petitioners have not answered for this question, hence, as the mistake was committed only by the TRB, they will have to award one mark due to this wrong question framed by them.

2. On the other hand, it is submitted by the Experts, namely, Dr.C.K.Mallika, Assit. Professor of English, Quaid-E-Millath Government College for Women, and Dr.Sugannya Ravichandran, Associate Professor of English, Quaid-E-Millath Government College for Women, that the petitioners, having taken a stand that there is a spelling mistake, cannot refuse to choose the right answer and it is further that any student studying literature by having a cursory look on the question No.23 and the answer being a simple and known to all, would choose option 'B' as the correct answer. Learned counsel for

the petitioners has also agreed with the TRB and accepted option 'B' is the correct answer.

3. In my view, by fairly conceding 'B' is the correct answer for Question No.23, the petitioners cannot say that due to the spelling mistake they have not answered for the said question. Therefore, this Court is not inclined to award one mark to Question No.23.

4. With regard to Question No.34, it is submitted by the learned counsel for the petitioners that the respondent TRB has not rightly framed this question, for, they have wrongly misprinted the word as Maslow instead of Marlow and therefore, the petitioners have not chosen to answer this question as well. However, the above said Experts from the Quaid-E-Millath Government College for Women urged this Court not to award mark to this question by stating that the said question has been misprinted. Although they have admitted about the misprint of that word, they have further stated that if the petitioners are proficient in English Literature, they can easily answer to this question even if it is misprinted. Experts also have further stated that there is no character called Maslow, as the book titled "She Stoops To Conquer", written by Oliver Goldsmith, clearly mentioned as Mr.Marlow, therefore, the petitioners should have answered to this question properly.

5. I do not agree with the justification placed before this Court. It may be mentioned herein that while preparing question, the TRB has to ensure that they are preparing questions without any mistake and therefore, due to the mistake committed by the TRB, the candidates should not be penalised. Thus, this Court is inclined to award one mark to the Question No.34.

6. With regard to Question No.93, learned counsel for the petitioners stated that the petitioners have chosen option 'B' as the correct answer and in support of the same, he brought to the notice of this Court page No.9 of the book titled "On Heroes, Hero-Worship and The Heroic In History", written by Thomas Carlyle and relevant portion of the same is quoted below:-

"..... We have chosen as the first Hero in our series Odin the central figure of Scandinavian Paganism; an emblem to us of a most extensive province of things. Let us look for a little at the Hero as Divinity, the oldest primary form of Heroism."

7. By citing so, it is submitted that option "B" is the correct answer and therefore, one mark should be awarded for this question as well. However, the above said experts, by

bringing to the notice of this Court page No.95 of the typed set of papers filed by the respondents, stated option "D" is the correct answer, in reply, learned counsel for the petitioners stated that the said book referred by the experts is out of syllabus. However, it is stated by the Experts that candidates, who are opting for English Literature, should know everything in entirety and therefore, they should not limit their studies in only one syllabus alone. However, I do not agree with the said stand of the TRB, for, such stand of the Experts itself shows that they have framed question No.93 from and out of the syllabus, therefore, this Court is inclined to award one mark to this question as well and accordingly, it is ordered.

8. With regard to Question No.6, learned Counsel for the petitioners referring to page Nos.215 and 219 of the book titled 'Moby-Dick Herman Melville' submitted that the correct answer would be 'D', because the book deals with revenge story of 'Monomaniac Incarnation'. Again, referring to Page Nos.234 and 235, he has stated that it is the story of a Man, who was attacked by the white whale, where his leg was amputated, finally to take revenge against the white whale, he ventured into the sea and again, in the said exploration, while executing his plan, he sadly died. Therefore, the reader of the book can also have an idea that the book deals with revenge story of 'Monomaniac', hence, option 'D' is the correct answer, he pleaded.

9. Two professors, namely, Dr.C.K.Mallika, Asst. Professor of English, Quaid-E-Millath Government College for Women and Dr.Sugannya Ravichandran, Associate Professor of English, Quaid-E-Millath Government College for Women, referring to the 'Afterword' of the book, submitted that even a reading of 'Afterword' given by R.L.Fisher shows that this is a book deals with Men, Nature and Universe. The reason is that the author, having referred to various interesting incidents, finally has dealt with niceties of the nature and universe. Therefore, by referring to only few lines, petitioner cannot come to a conclusion that it is only a revenge story of 'Monomaniac'. If a Post graduate student completes the reading of the book, he / she would definitely come to a clear conclusion that the book does not deal with story of 'Monomaniac', but the story deals with Man, Nature and Universe. I also agree with the professors/experts and accordingly, I do not find any reason to award mark to the petitioners for Question No.6.

10. With regard to Question No.25, learned counsel for the petitioners submitted that the petitioners have chosen option 'C' as the correct answer, namely, 'Pragmatic Spirit' and it is further stated that the Book, namely, 'Annamalai University, Directorate of Distance Education, Paper - V, American Literature Units 1-V, M.A.English, First Year' clearly shows that the Author, while dealing with the 'Necessity of

Wall' put up between two houses, ultimately advocated that neighbours need not have common wall in between two houses and in lieu thereon, they should have 'Spirit of Restrain'. The meaning and the conclusion given by the Author that there must be a 'Pragmatic Spirit' is also incorrect.

11. But, I do not find even any connectivity to the answer, namely, option 'C' chosen by the petitioners to Question No.25. The answer is rightly explained by experts, namely, Dr.C.K.Mallika, Asst. Professor of English, Quaid-E-Millath Government College for Women and Dr.Sugannya Ravichandran, Associate Professor of English, Quaid-E-Millath Government College for Women. When the Author explains it in the book, "Good Fences make Good Neighbors", 'Pragmatic Spirit' can also be seen only if the persons are having bestow with spirit of restrain, without spirit of restrain, the pragmatic spirit cannot be seen. Therefore, the answer chosen by TRB, namely, 'A' is the correct answer, hence, the petitioners fail to secure any mark to this question.

12. In view of the above said discussions, it is clear that the petitioners have answered correctly only Question Nos.34 and 93 of Question Set A, therefore, they are eligible to be awarded marks only for these two questions, not for five questions as sought for by them. On that basis, the marks secured by the petitioners as well as cut-off marks fixed by the TRB would be as follows:-

W.P.No.	Quota	Question series	Equivalent in Question Series A	Cut-off for CV	Total marks secured
21487/17	MBC	D-63,76,92	93, 34, 23	82	81+2=83
24188/17	BC	C-4,18,42	34,6,93	84	83+2=85
24189/17	MBC	D-63,76,92	93,34,23	82	81+2=83
24190/17	MBC (W)	A-6,23,34,93	6,23,34,93	82	80+2=82
24191/17	SGT	D-76,92,104	34,23,6	75	74+1=75
24192/17	BC	D-63,76,92,104	93,34,23,6	84	81+2=83
27692/17	MBC	A-6,23,25,34,93	6,23,25,34,93	82	81+2=83
27693/17	MBC	B-21,25,45,90	6,93,23,25	82	80+1=81
27694/17	BC (W)	C-42	93	83	82+1=83
27695/17	SGT	C-42,62	93,23	75	74+1=75

13. From the above said tabular column, it is clear that all the petitioners, except the petitioners in W.P.Nos.24192 and 24193 of 2017, have secured over and above the

cut-off marks fixed by the TRB, therefore, in my considered view, they are eligible to be called for Certificate Verification by the TRB. Accordingly, the respondents are directed to conduct the Certificate Verification for these petitioners forthwith.

14. In fine, the writ petitions are disposed of in terms of the above said observations/directions. No Costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

rkm

To

1.The Director of School Education,
College Road,
Chennai - 6.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
College Road, Chennai- 6.

+10cc to Mr.A.Mohamed Ismail, Advocate sr.no.4053,40504

सत्यमेव जयते

Writ Petition Nos.27692 to 27695
and 24187 to 24192 of 2017

nr 27/06/2018

WEB COPY