

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.02.2018

Coram

The Hon'ble Mr. Justice K.K. Sasidharan
and
The Hon'ble Mr. Justice P. Velmurugan

W.A.No.2229 of 2013
and
M.P.No. 1 of 2013

S.Elajapathi

...Appellant

Vs.

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

...Respondents

Prayer : Writ Appeal filed under Clause 15 of Letters Patent,
praying to set aside the order, dated 24.07.2013 passed in
W.P.No.43939 of 2006. सत्यमेव जयते

WP.43939 of 2006 Prayer: Writ Petition filed under Article 226 of the constitution of India praying to issue a Writ of Certiorarified mandamus, calling for the records pertaining the impugned Provisional examination result dated 3.10.2006 before certificate verification and also consequent provisional list after certificate verification dated 28.10.2006 on the file of the third respondent and quash the same and consequently direct the third respondent to evolve merit list based on written examination results on the basis of communal rotation and thereafter add weightage marks for certificate verification and selection as per the directions passed by this Honourable court in W.P.No.25227 30741 & 31380/2006 vide order dated 14.9.2006.

For Appellant : Mr.S.Mohan
For Respondents : Mr.K.Karthikeyan
Government Advocate

Judgement

(Order of the Court was delivered by K.K.Sasidharan,J.)

The process adopted by the respondents, for awarding weightage mark was challenged by the appellant before the Writ Court, on the ground that the correct procedure was to award marks after certificate verification, and not while assessing the total marks secured by the candidates in the written test. The Writ Petition was dismissed by the learned Single Judge. The order is under challenge in this intra Court's Appeal.

2. Heard the learned counsel appearing on behalf of the appellant and the learned Government Advocate for the respondents.

3. There is no dispute that the candidate is entitled to weightage mark on account of stagnation in the Employment Exchange. The Selection Committee was expected to award marks for weightage along with marks secured by the candidates in the written test. The prospectus proceeds, as if, the marks would be awarded after certificate verification. However, in the subject case, the bonus mark was awarded while preparing the merit list and before the certificate verification.

4. We are not in a position to accept the contention of the learned counsel appearing for the appellant that, on account of the awarding weightage marks even before the certificate verification, the result will be tilted in favour of the few candidates, who got less marks on account of weightage. The learned Single Judge has given an illustration in para No.8 of the order, in the Writ Petition, which would negative the case of the appellant. The appellant has not produced any other material to demonstrate that the learned Single Judge was not correct in arriving at such a conclusion. We are, therefore, of the view that there is absolutely no merit in the contention taken by the appellant.

5. In the upshot, we dismiss the intra Court's Appeal. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

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To

1. The State of Tamilnadu,
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4th Floor, EVK Sampath Maligai,
DPI Compound, College Road,
Chennai - 600 006.

+1cc to Mr.S.Mothan, Advocate SR.No.11655
+1cc to Government Pleader SR.No.11160

W.A.No.2229 of 2013

LRS (CO)
GN (03/04/2018)



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