

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.09.2018

CORAM

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P. No.34103 of 2013

and

MP No.1 of 2013

M.Nithya

... Petitioner

Versus

The Chairman,
Teacher Recruitment Board,
4th Floor,
EVK Sampath Maligai,
DPI Compound,
College Road,
Chennai - 06.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue writ of Mandamus directing the respondent to award full marks to the petitioner for the question numbers 4, 13, 86, 88, and 89 in "B" Serial question to which wrong answers have been given in final answer key declared by the respondent for the Tamil Nadu Teachers Eligibility Test, 2013 (TNTET, 2013) and declare her as pass in the said test.

For Petitioner : Mr.K. Kathiresan

For Respondent : Mr. K. Karthikeyan,

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to award full marks to the petitioner for the question numbers 4, 13, 86, 88, and 89 in "B" Serial question to which wrong answers have been given in final answer key declared by the respondent for Tamil Nadu Teachers Eligibility Test, 2013 (TNTET, 2013) and declare her as pass in the said test.

2. In respect of the relief sought for by the writ petitioner, it is contended that the matter was adjudicated before the Hon'ble Division Bench of this Court in Writ Appeal MD Nos.256 to 259 of 2018 and a judgment was delivered on 22.02.18. For award of full marks to the candidates in respect of question numbers 4, 13, 86, 88 and 89 in "B" Serial questions were adjudicated elaborately by the Hon'ble Division

Bench of this Court in the judgment cited supra and a final order has been passed, as follows :-

5. The learned Special Government Pleader expressed an apprehension that the order passed in the writ petition would be a precedent for subsequent cases as well. There need not be any apprehension in this regard as this Court will make proper observation and direction in this order. That apart, as noted above, the writ Court has not decided the jurisdictional issue which has been specifically pleaded in the counter affidavit filed in the writ petitions and stated to have been argued by the learned Special Government Pleader before the writ Court. Thus, necessarily the legal issue has to be left open and the order passed in the writ petition cannot be treated as a precedent nor could be extended to other persons, who participated in the same selection process and should be confined only to six of the writ petitioners, who are stated to come within the zone of consideration. Thus, for the above reasons, while confirming the order passed in the writ petition, we clarify that the directions/ methodology adopted by the writ Court cannot be treated as a precedent and the effect of the order impugned cannot be extended to any other candidates, except those six candidates whose name has been mentioned and the selection process have already been completed, no other new candidate, who has been unsuccessful can come before this Court pleading similar relief. Accordingly, these writ appeals stand disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

6. Since the learned Senior counsel for the petitioner has stated that six of the writ petitioners as mentioned above have come within the zone of consideration and have also participated in the certificate verification, ie., the orders of appointment shall be issued to the six writ petitioners namely J.Muthu Pandi, G.Santhi, S.Selvarani, S.Chandramary, T.Mariammal and A.Mari Selvam within a period of six weeks from the date of receipt of a copy of this order."

2.Following the same, in our considered view, these appeals come fall within the zone of consideration. Therefore, the benefit, which has accrued to them on account of re-evaluation exercised done by the Court to enure the benefit to the said persons, whose names have been mentioned above.

3.In the light of the above, these appeals stand disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

3. In view of the judgment of the Hon'ble Division Bench cited supra, no further adjudication needs to be entertained with reference to the relief sought for in this writ petition. Accordingly, the writ petition is disposed of . No costs. Consequently, connected miscellaneous petition is also closed.

Sd/-
Assistant Registrar(CS VII)

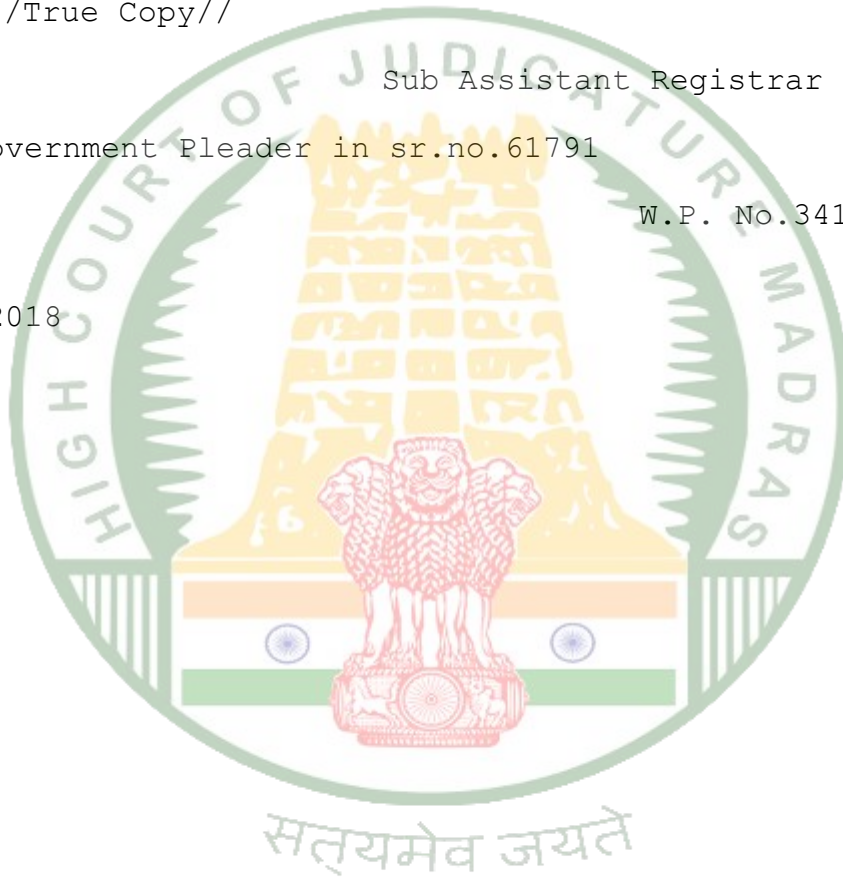
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Sub Assistant Registrar

+1cc to Government Pleader in sr.no.61791

W.P. No.34103 of 2013

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