



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 26.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.3341 of 2018

K.Venkatesan

... Petitioner

Vs.

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

2. The Chairman,
Teacher Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai - 9.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the second respondent to provide additional marks to the petitioner in connection with the questions namely 33, 64, 73, 87 and 99 in the "D" serial question papers for the Post Graduate Assistant (Chemistry), the written examination conducted by the second respondent on 02.07.2017, considering the order of this Court in WP (MD) No.15953, 16068, 16163 and 16164 of 2017 dated 20.09.2017.

For Petitioner : Mr.M.Ramu
For Respondents : Mrs.S.Srimathy,
Spl., Govt Pleader for R1
Mr.V.R.Shanmuganathan for R2

ORDER

The second respondent Board issued a notification on 09.05.2017 calling for applications from eligible candidates for filling up the vacancies in the post of P.G.Assistant for the year 2016-17. The petitioner belongs to Most Backward Class category. The petitioner was awarded 71 marks. Since the cut off marks was fixed at 75%, the petitioner was not called for certificate verification. The grievance of the petitioner is that additional marks will have to be awarded in respect of questions namely 33, 64, 73, 87 and 99 in the "D" serial question papers for the P.G.Assistant (Chemistry).

<https://hoseervices.ecourts.gov.in/hoseervices>

2.The petitioner would place reliance on the order dated



20.09.2017 in WP(MD)Nos.15953 of 2017 and etc., batch. The notification issued by the Teachers Recruitment Board contains the following clauses :

Key Answers :

Tentative key will be published on completion of the exams. The candidates who intend to have objections on tentative key answers shall raise them along with supporting materials, within 5 days from date of release of tentative key. Any objections and materials produced beyond the stipulated time will not be entertained and candidates are estopped from questioning them at a later point of time.

On consideration of such objections, final key answers would be published and the same would be final. No independent orders either accepting or rejecting the objections of the candidates will be passed. Only final key would be published.

Constitution of experts to consider the objections cannot be questioned by the candidates.

3.It is not in dispute that the tentative answer key was published in the month of July 2017. The petitioner has not averred any where in the affidavit filed in support of this writ petition that he lodged his objections within five days from the date of release of tentative key. In the typed set of papers also, what is enclosed is only a representation dated 06.02.2018. There is nothing on record to show that the petitioner lodged the objections within the time. Likewise, reliance placed on the earlier orders of this Court will be of no avail. This is because, the learned Judge of this Court while granting relief to the earlier writ petitioners, made it clear that the relief granted by him was confined only to those petitioners.

4.The learned standing counsel appearing for the Board submits that this order was questioned in writ appeal. But, the Hon'ble Division Bench made it clear that since the relief was confined only to those writ petitioners, it will not open a flood gates.

5.Respectfully following the aforesaid observations made by the Hon'ble Division Bench, this Court dismisses this writ petition primarily on the ground of non-compliance with the requirement of limitation set out in the notification in question. The writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/



To

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

+ 1 CC TO Mr.M.RAMU, ADVOCATE IN SR No. 51141

SKM

TE/SKN-RSK/SAR-4 : 20/03/2018 : 3P/3C

W.P (MD) No.3341 of 2018
26.02.2018