



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2018

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THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.7615 of 2018

and W.M.P (MD) .Nos.7247 and 7248 of 2018

- 1.Shahul Hameed Badhusha
- 2.E.Geethakumari
- 3.P.Sonia
- 4.S.Yasmin Sulthana Barveen
- 5.P.Aarthi
- 6.M.Babu
- 7.N.Murali
- 8.S.Karthi
- 9.J.Jasinth Cynthiya
- 10.M.Anitha
- 11.M.Hemavathi
- 12.K.Sivaraj
- 13.S.Jeyakumar
- 14.K.S.Saravanakumar
- 15.R.Brindha
- 16.K.Vickram
- 17.K.Priya
- 18.V.Meenakshi Sundari
- 19.R.S.Mohana
- 20.S.K.Nivetha
- 21.A.Padmanathan
- 22.V.Madhavaraj
- 23.S.Yacob
- 24.S.Suresh
- 25.A.Vaidheki
- 26.C.Bavya
- 27.N.Thenmozhi
- 28.M.Murali
- 29.G.Manikandan
- 30.S.Sagubar Sadik
- 31.V.Sangeetha
- 32.K.Kalpana
- 33.K.Murugan
- 34.S.Anitha
- 35.S.Vijayakumar
- 36.A.Ali Fathima Sabeerneeza
- 37.A.P.Vetrivel
- 38.P.Vairaselvi



39.S.Suthagar
40.C.Rajarajachozhan
41.N.Kavibala
42.M.Gandhimathi
43.P.Ramya
44.A.Kavitha
45.S.Ramya
46.N.Deivanayaki
47.S.Prabaharan
48.D.Thileepavathi
49.R.Sivakumar
50.T.Sujitha
51.R.Balamanikandan
52.B.Kalaiselvi
53.A.Gowmari
54.G.Esther Rani
55.C.Mahalakshmi
56.R.Jeyagirubha
57.T.Mugesh
58.C.Chinnachamy
59.R.Elavarasi
60.R.Mouleeshuwarapprabu

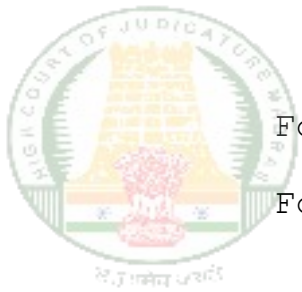
: Petitioners

Vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government
Higher Education Department
Secretariat, Chennai.
2. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai
College Road, Chennai.
3. The Member Secretary
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai
College Road, Chennai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent vide his proceedings nil dated 09.02.2018 and quash the same as illegal and consequentially to make selection on the basis of the marks secured by the petitioner in the written examination pursuant to the notification issued by the 2nd respondent in his proceedings notification No.06/2017 dated 28.06.2017 in his proceedings appointment to the post of Lecturers in various disciplines in Government Polytechnic Colleges for the year 2017-2018.



For Petitioner

: Mr.C.Venkatesh Kumar
for M/s.Ajmal Associates

For Respondents

: Mr.VR.Shanmuganathan
Special Government Pleader

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O R D E R

By consent, the writ petition is taken up for final disposal at the admission stage itself.

2.The prayer sought for in this writ petition is for a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the 2nd respondent vide his proceedings nil dated 09.02.2018 and quash the same as illegal and consequentially to make selection on the basis of the marks secured by the petitioners in the written examination pursuant to the notification issued by the 2nd respondent in his proceedings/notification No.06/2017 dated 28.07.2017 for appointment to the post of Lecturers in various disciplines in Government Polytechnic Colleges for the year 2017-2018.

3.Heard Mr.C.Venkatesh Kumar, learned Counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents.

4.The challenge made in this writ petition is to the impugned order passed by the respondent Teachers Recruitment Board, dated 09.02.2018, which has been the subject matter of a number of writ petitions.

5.It is brought to the notice of this Court that by a leading case in W.P.(MD) No.2942 of 2018, etc. batch, the learned Judge of this Court by order dated 22.02.2018 has quashed the very same impugned order dated 09.02.2018, whereby the entire selection process made already by the respondent Teachers Recruitment Board pursuant to the notification in Advertisement No.6/2017 dated 28.07.2017 has been quashed and the relevant portion of the said order dated 22.02.2018 in the batch of writ petitions reads thus:

"18.This Court is therefore of the view that it is possible to segregate the non-tainted stages of the selection process from the subsequent stage of evaluation. When admittedly the examination was conducted in a proper manner, it is not fair on the part of the Board to make the candidates to sit for examination once again. It is true that the petitioners have no indefeasible right to be selected. They have only been called for certificate verification. No substantive rights have accrued in their favour. But, in this case the issue is to be viewed from another perspective. The question is not whether the rights of the petitioners have been infringed or not. The question is whether



the decision of the Teachers Recruitment Board to cancel the entire selection process is fair or not.

19. As already pointed out even according to the stand taken by the second respondent Board/T.R.B is that it was only the evaluation process which was vitiated by irregularity and fraud and not the stages prior to it. In this case, it is possible to segregate the two stages. Admittedly, the original answer sheets written by the candidates are very much available in an intact form with the Board.

20. The principle of severability has to be applied here. The entire selection process is to be quashed if it is vitiated totally. If a single drop of poison is put in a tumbler of milk, the entire milk will become unfit for consumption. There is no question of segregation thereafter. Even the celestial swan can separate only the water from milk. Such is not the position here. Segregation is definitely possible. The non-tainted stages remain independent and intact. This Court is of the view that Teachers Recruitment Board has needlessly pressed the panic button. This Court also expresses its disapproval of the reason set out in Para.12 of the counter.

21. Therefore, this Court quashes the decision of the Teachers Recruitment Board to cancel the entire examination. The Board shall proceed from the stage where the mistake crept in. It shall re-evaluate all the answer sheets afresh. This shall be carried out within twelve weeks from the date of receipt of a copy of this order. Of course, the certificate verification process shall have to be re-done. As a result, all these writ petitions are partly allowed. No costs. Consequently, all the connected miscellaneous petitions are closed.

6. In this writ petition also, the very same notification of cancelling the selection process is under challenge and the same has already been quashed by this Court. By recording the same, this writ petition is disposed of as no further issue to be adjudicated herein or further orders to be made herein in this writ petition. No costs. Consequently connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-III)

/True Copy/



1. The Secretary to Government
State of Tamil Nadu,
Higher Education Department
Secretariat, Chennai.

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

3. The Member Secretary
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai
College Road, Chennai.

+ 1 cc TO M/S.Ajmal Associates , Advocate in SR No. 60670

RR

AE/SV MMS/SAR4/02.05.2018/5P/5C

ORDER MADE IN
W.P. (MD) No. 7615 of 2018
and W.M.P (MD) Nos. 7247 and 7248 of 2018
10.04.2018