



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 02.02.2018

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.4297 of 2014
and
MP (MD) No.1 of 2014

A.Cecily Jesephin Jeya ... Petitioner

Vs.

1.The State of Tamilnadu
Rep.by its Secretary,
Department of School Education,
Fort St. George, Chennai-09.

2.The Teachers Recruitment Board,
Rep.by its Chairman,
4th Floor, EVK Sampath Malikai,
College Road, Chennai - 06.

... Respondents

PRAYER: This writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Declaration declaring the Key Answer to the Question No.22 in Paper I under D series is wrong in so far as the petitioner is concerned and award one mark to the petitioner for the question No.22 in Paper I under D series.

For petitioner : Mr.K.Prabhu
For Respondents : Mrs.S.Srimathy,
Special Government Pleader

ORDER

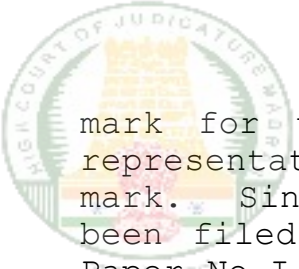
Heard the learned counsel on either side.

2.The petitioner wrote Teacher Eligibility Test conducted by the Teachers Recruitment Board/second respondent herein on 17.08.2013. The petitioner is aggrieved by the non awarding of marks for her answer to question No.22. The question no.22 reads as follows :

"22.Physical growth in children is at the maximum rate at the age of"

- A) 0-2 yrs
- B) 2-6 yrs
- C) 6-12 yrs
- D) 12-19 yrs

3.It has four options. The petitioner shaded the fourth answer (D) as correct in the key answers published by the Board, "A" was mentioned as correct answer. According to the petitioner, in view of the wrong key answer indicated by the TRB, she could not get one



mark for the above said shaded answer. Therefore, she gave a representation dated 13.02.2014 in this regard for awarding of one mark. Since there was no response, the present writ petition has been filed for declaring the key answer to the question No.22 in Paper No.I under D series is wrong and for awarding one mark to the petitioner.

4.The second respondent Board has filed a detailed counter affidavit. The short ground taken in the counter affidavit is that the Board published the tentative key answers in the Website on 27.08.2013. Candidates were given time up to 02.09.2013 to submit their representation regarding objection if any on the tentative answer keys published. All the representations received within the time stipulated, have been thoroughly examined by subject experts. After ascertaining the information of the experts, final key answers were published through the official Website of T.R.B on 05.11.2013. In the present case, the petitioner herein did not lodge her representation within the stipulated time. Therefore, on this ground, the petitioner has to be non suited.

5.The learned counsel appearing for the petitioner submitted that the Government of Tamil Nadu issued G.O.Ms.No.25, School Education (TRB) Department, dated 06.02.2014 granting relaxation of marks in Teachers Eligibility Test from 90 to 82 marks. The petitioner scored 81 marks. Therefore, if one mark is awarded, the petitioner will be deemed to have cleared Teachers Eligibility Test.

6.Though this submission of the learned counsel for the petitioner is attractive, this Court is unable to accept the same. This is because, issuance of G.O.Ms.No.25, School Education (TRB) Department, dated 06.02.2014 cannot furnish a cause of action. The cause of action was in respect of the key answers originally published by the second respondent Board. When the respondent Board fixed a certain time limit to submit the objections from the candidates, they should be lodged within time, so as to refer the matter to expert body. The petitioner did not lodge her representation within the said time. The counter affidavit was filed and served on the petitioner on 26.11.2014. There has been no filing of rejoinder by the petitioner.

7.The writ petitioner is therefore non suited on the ground of limitation. Since the writ petitioner did not lodge her representation within the stipulated time, this Court is unable to grant any relief to the petitioner. The writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is also dismissed.

Sd/-
Assistant Registrar(AE)

/True copy/



To

1. The Secretary,
Department of School Education,
Fort St. George, Chennai-09.

2. The Chairman
Teachers Recruitment Board,
4th Floor, EVK Sampath Malikai,
College Road, Chennai - 06.

+1cc to Special Government Pleader, SR.No.46137
+1cc to M/s. Isaac Chambers, Advocate, SR.No.46072

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and
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RAM/KKR/SAR 4/05.06.2018/3P/5C