



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 19.09.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)Nos.17964 and 14471 of 2018

W.P(MD)No.17964 of 2018

1.M.Sivagami Avu Sundari

..Petitioner

Vs

The Teachers Recruitment Board,
E.V.K.Sampath Maaligai,
Fourth Floor, DPI Compound,
Chennai.

..Respondent

W.P(MD)No.14471 of 2018

T.Sutha

...Petitioner

.vs.

1.The State of Tamil Nadu,
represented by its Principal Secretary,
Department of School Education,
Secretariat, Chennai -09.

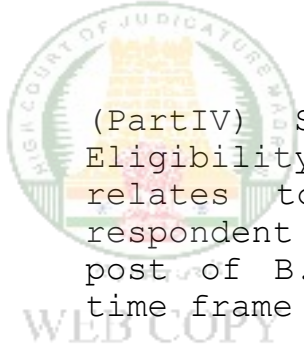
2.The Member Secretary,
Tamil Nadu Teachers Recruitment Board,
College Road, Chennai -06.

3.The Chairman,
Tamil Nadu Teachers Recruitment Board,
College Road,
Chennai -06.

...Respondents

Prayer in W.P(MD)NO.17964 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondent to award the Petitioner one more mark for the Question NO.97 in ''B Series'' in the TET Examination 2013 and thereby include the Petitioner in the eligibility list and give appointment for the Petitioner.

Prayer in W.P(MD)NO.14471 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents 2 and 3 to award one mark for the answer attended by the Petitioner in Question No.97 in



(PartIV) Section-B, in Social Science subject in the Teacher Eligibility Test-2-13 and publish the correct result insofar it relates to the Petitioner and consequently direct the first respondent to consider the appointment of the Petitioner for the post of B.T.Assistant with all consequential benefits within the time frame stipulated by this Court.

W.P(MD)No.17964 of 2018

For Petitioner :Mr.H.Arumugam
For Respondent :Mr.VR.Shanmuganathan
Special Govt.Pleader

W.P(MD)No.14471 of 2018

For Petitioner :Mr.T.Thirumurugan

For Respondent-1:Mrs.S.Srimathi
Special Govt.Pleader

For Respondents :Mr.VR.Shanmuganathan
2 and 3 Special Govt.Pleader

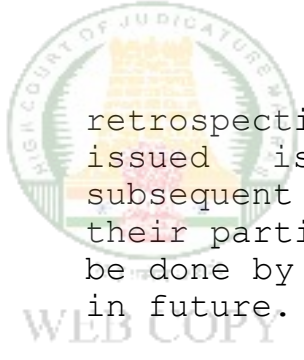
COMMON ORDER

The Petitioners have come forward with these Writ Petitions seeking to award one more mark to the Petitioners for the Question NO.97 in ''B Series'' in the TET Examination 2013, thereby including the Petitioners in the eligibility list and give appointment for the Petitioners.

2.For the selection process done in the year 2013, the Petitioners were not granted one mark for the right answer written for question No.97(In which language, originally Vandemadaram was written?). In that case, the Government has fairly admitted that one mark has got to be given and after grant of one mark, the entire selection process took place and the candidates have been accommodated. The Petitioners are also similarly placed candidates and they should be given one mark to the said question

3.The case of the respondents is that the entire selection process is over and candidates have been accommodated in the year 2017 itself, after the orders of the Honourable Division Bench of this Court. It is not true that mark was not given to question No.97. After a lapse of five years and after disposal of the Writ Petition and Writ Appeal in this matter, the petitioners have filed these Writ Petitions after lapse of five years and hence the same is not maintainable on the ground of laches. It is further submitted that subsequent selection process has commenced and hence the Petitioners are not entitled to any relief as sought for.

4.In reply, the learned counsel for the Petitioners submitted that the marks secured in the earlier selection process would be valid for a period of seven years and if one mark is given with



retrospective effect w.e.f. 2013 and the Certificate that may be issued is valid for seven years upto the year 2020 and in the subsequent selection process, such certificate may be used for their participation and competing in the selection process that may be done by the respondents, in case, subsequent selection take place in future.

5. Heard both sides and perused the materials placed before this Court.

6. It is not disputed that for question No.97, one mark has got to be given, if the Petitioners have written the right answer. It is not true that there is a delay in approaching the Court and the Petitioners having slept over for five years, have approached this Court belatedly. It is to be noted that the Petitioners have the benefit of retaining the marks for a period of seven years from 2013 and that the petitioners were not accommodated in the selection process that has been done in the year 2013 Therefore, the case of the Petitioners shall be considered based on the certificate that may be issued, if they fulfil all the necessary qualifications/requirements in the selection/recruitment which would be conducted upto the year 2020, on the basis of the Certificate to be issued by the respondents.

7. Hence, this Court, without granting the reliefs sought for by the Petitioners, directs the respondents to give one mark to question No.97 in 'B Series' in the TET Examination 2013 and issue certificate to that effect and consider the case of the Petitioners, in case of any selection/recruitment process upto the year 2020, if they fulfil all other qualifications/requirements.

8. With the above directions, the Writ Petitions stand disposed of. No costs.

Sd/-

Assistant Registrar(WRITS)

/True Copy/

Sub Assistant Registrar(CS-II)

To

1. The Teachers Recruitment Board,
E.V.K.Sampath Maaligai,
Fourth Floor, DPI Compound,
Chennai.

2. The Principal Secretary,
Government of Tamil Nadu,
Department of School Education,
Secretariat, Chennai -09.



3.The Member Secretary,
Tamil Nadu Teachers Recruitment Board,
College Road, Chennai -06.

4.The Chairman,
Tamil Nadu Teachers Recruitment Board,
College Road,
Chennai -06.

- 1 CC TO Mr.H.ARUMUGAM , ADVOCATE IN SR No. 85575.
- + 1 CC TO Mr.T.THIRUMURUGAN , ADVOCATE IN SR No.85560.

VSN

TR-DS RP SAR2 26 11 2018 4P 7C

W.P (MD) Nos.17964 and 14471 of 2018
19.09.2018