



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 14.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P (MD) No.20918 of 2013

and

MP (MD) No.1 of 2013

T.Selvaramesh

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
Department of School Education,
Fort.St.George, Chennai -9.

2. The Director of School Education,
College Road, Chennai -6.

3. The Secretary,
Teachers Recruitment Board,
EVK.Sampath Maligai,
DPI Compound, College Road,
Chennai - 6

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the 3rd Respondent to provide full grace marks to the petitioner for the questions numbers 22, 26, 35, 36, 45, 48, 51, 62, 75, 89, 92, 104, 109, 115, 117, 118, 137, 145 and 148 of the Booklet series B of written competitive examination for direct Recruitment of Post Graduate Assistants 2012- 2013 for the subject of Tamil and consequently to consider the petitioner for recruitment to the post Graduate Assistant in Tamil within the time stipulated by this Court.

For Petitioner	: Mr.R.Balakrishnan
For Respondents 1 &2	: Mr.R.Sethuraman, Special Government Pleader.
For Respondent 3	: Mr.VR.Shanmuganathan, Special Government Pleader

ORDER

The relief sought for in this writ petition to direct the 3rd Respondent to provide full grace marks to the petitioner for the questions numbers 22, 26, 35, 36, 45, 48, 51, 62, 75, 89, 92, 104, 109, 115, 117, 118, 137, 145 and 148 of the Booklet series B of written competitive examination for direct Recruitment of Post Graduate Assistants 2012- 2013 for the subject of Tamil and



consequently to consider the petitioner for recruitment to the post Graduate Assistant in Tamil.

2. The writ petitioner is of an opinion that the questions sought for in the written competitive examination conducted for direct recruitment to the post of P.G. Assistants for the year 2012-2013, for the subject of Tamil are erroneous. For certain questions the key answers are incorrect. Thus, grace marks are to be provided for those questions. However, the learned Special Government Pleader for appearing for the first and second respondents, states that the issue is squarely covered by the order of this Court dated 28.11.2013 passed in WP.(MD)No.19259 of 2013 and the relevant paragraphs are extracted hereunder:

2. After the examinations were over, the Teachers Recruitment Board issued the tentative key answers through its official website, calling for objections. Admittedly several objections were received from the candidates in respect of certain key answers. The Teachers Recruitment Board, thereafter referred those disputed questions to the experts in the subject by constituting experts board for each subject. The subject experts considered the objections and as a matter of fact agreed with some objections and disagreed with many. Based on the opinion of the experts, the final key answers were published through the official website. The results were published on 05.11.2013.

3. After publication of the results, immediately number of writ petitions were filed before this Court challenging the correctness of the key answers to various questions. This Court find a prima-facie case in favour of some of the petitioners and as per the decision of the Hon'ble Supreme Court in **Kanpur University Vs. Samir Gupta**, reported in **AIR 1983 Supreme Court 1250** went into the said challenges. As directed by this Court, number of experts were called to the Court in each subject in respect of the challenges made to the key answers and the experts appeared and offered opinion. The matter were also argued at length and number of textbooks were cited and having considered all the above, this Court has decided the challenges in respect of atleast around 65 questions. As a matter of fact, this Court had to spend every days' post lunch session for these Writ Petitions, challenging the key answers.

4. Because of the challenges made before this Court, the Teachers Recruitment Board could not



proceed further to go for the process of selection of candidates for appointment. As a result, the process has almost come to a halt. There are Government Schools as well as Private Schools in the state, which are without sufficient number of teachers. As a matter of fact, a writ petition was filed before this Court by students of a school, seeking a mandamus to the educational authorities to appoint a computer science teacher, as in the said school there was no computer science teacher. Similar situation prevails in various schools in the State. The Government is struggling to appoint the teachers. Considering the urgency of the matter, this Court has spent almost number of post lunch sessions in examining the cases continuously without break and finally decided all the matters. The key answer to some questions have been disagreed by the Court and this Court has directed the Teachers Recruitment Board to revalue the answer sheets of all the candidates, who appeared in the examination and this will take atleast one month for the Teachers Recruitment Board to complete the process and then they have to start the process of selection. In these circumstances, this Court is of the view that this Court cannot go on entertaining the writ petitions, challenging the key answers. After publication of the results, sufficient time had been given and a number of days have been spent in examining the challenges made to the key answers to the questions. As I have already pointed out, if any more number of writ petitions are entertained and the challenges are considered, then this will be an endless process and it may get prolonged for few more months. If any more writ petitions are entertained, this will further worsen the situation in the State because the schools will go without adequate number of teachers.

5. The learned counsel for the petitioners would submit that there is no laches on the part of the petitioners. But in my considered opinion, the present petitions are liable to be dismissed on the ground of laches. Though the time gap between publication of the result and date of presentation of the present writ petitions are only few weeks, it cannot be correct to hold that there is no laches on the part of the petitioners. The question of laches cannot be decided by applying any straight jacket formula. It depends on the facts and circumstances of the case. In the instant case in view of the facts, which I have stated above and the urgency of the matter, even the delay of few weeks in filing these writ petitions will amount to laches on the part of the petitioners.



6. I make it very clear that in respect of this matter, we cannot entertain endless litigations. In such view of the matter, I hold that these Writ Petitions are liable only to be dismissed. As I have directed in other writ petitions, the answer papers of the present writ petitioners will also be revalued by the Teachers Recruitment Board and the petitioners may also get the benefits out of the same. It also needs to be mentioned that most of the questions which have been challenged in these writ petitions have already been decided. In view of all the above, I am inclined only to dismiss these writ petitions.

7. In the result, all the Writ Petitions are dismissed. No costs. Consequently, connected Miscellaneous Petitions are also dismissed.

3. In view of the order cited supra, no further adjudication is required in this regard. Accordingly, writ petition stands dismissed. However, there shall be no order as to costs. Consequently, MP(MD)No.1 of 2013 is closed.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
State of Tamil Nadu,
Department of School Education,
Fort.St.George, Chennai -9.
2. The Director of School Education,
College Road, Chennai -6.
3. The Secretary,
Teachers Recruitment Board,
EVK.Sampath Maligai,
DPI Compound, College Road,
Chennai - 6

+1cc to Mr.R.Balakrishnan, Advocate Sr.No.55918

+1cc to Spl.Government Pleader Sr.No.55668

DSK

VB/KKR/SAR1/03.04.2018/4P/6C