



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2018

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**W.P(MD)No.20924 of 2013 and  
MP(MD)Nos.1 & 2 of 2013

A.Sivasubramani

... 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.

3. The Secretary,  
Teachers Recruitment Board,  
4<sup>th</sup> Floor, EVK.Sampath Maligai,  
DPI Compound, College Road,  
Chennai - 600 006.

... 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 award full grace marks for the question Nos. 22, 35, 38, 45, 51, 52, 58, 70, 75, 76, 89, 91, 92, 96, 97, 109, 113, 115, 117, 128 and 145 of Booklet series B of written competitive examination for direct recruitment of post- Graduate Assistants (2012- 2013) for the subject Tamil and consequently to consider the petitioner for recruitment to the post of Post- Graduate Assistants (Tamil ) within the time frame by this Honourable Court pas suitable orders as this Honourable court may deem fit and proper in the circumstances of the case and thus render justice.

|                      |                                                       |
|----------------------|-------------------------------------------------------|
| For Petitioner       | : Mr.V.Nagendran                                      |
| For Respondents 1 &2 | : Mr. M.Muthu,<br>Additional Government Pleader       |
| For Respondent -3    | : Mr.VR.Shanmuganathan,<br>Special Government Pleader |

**ORDER**

The relief sought for in this writ petition is for a direction to direct the the 3rd Respondent to award full grace marks for the question Nos. 22, 35, 38, 45, 51, 52, 58, 70, 75, 76, 89, 91, 92, 96, 97, 109, 113, 115, 117, 128 and 145 of Booklet series B of written competitive examination for direct recruitment of post-



Graduate Assistants (2012- 2013) for the subject Tamil and consequently to consider the petitioner for recruitment to the post of Post- Graduate Assistants (Tamil ).

2. The issue involved in this writ petition is squarely covered by the judgment passed in this regard, by this Court in WP(MD) No.19259 of 2013, on 28.11.2013. The relevant paragraphs are extracted hereunder:-

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 narrated 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 judgment cited above, no further adjudication is required in this petition. Accordingly, the writ petition is dismissed. However, there shall be no orders as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar (AS)

/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.
3. The Secretary,  
Teachers Recruitment Board,  
4<sup>th</sup> Floor, EVK.Sampath Maligai,  
DPI Compound, College Road,  
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+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 57584

DSK

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TE/SKN-RSK/SAR-1 : 06/04/2018 : 3P/5C

W.P(MD) No.20924 of 2013  
22.03.2018