

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE P.D.AUDIKESSAVALU

W.A.No.930 OF 2019

1 R.PETCHI MUTHU PRAKASH
2 P. BABY ... appellants

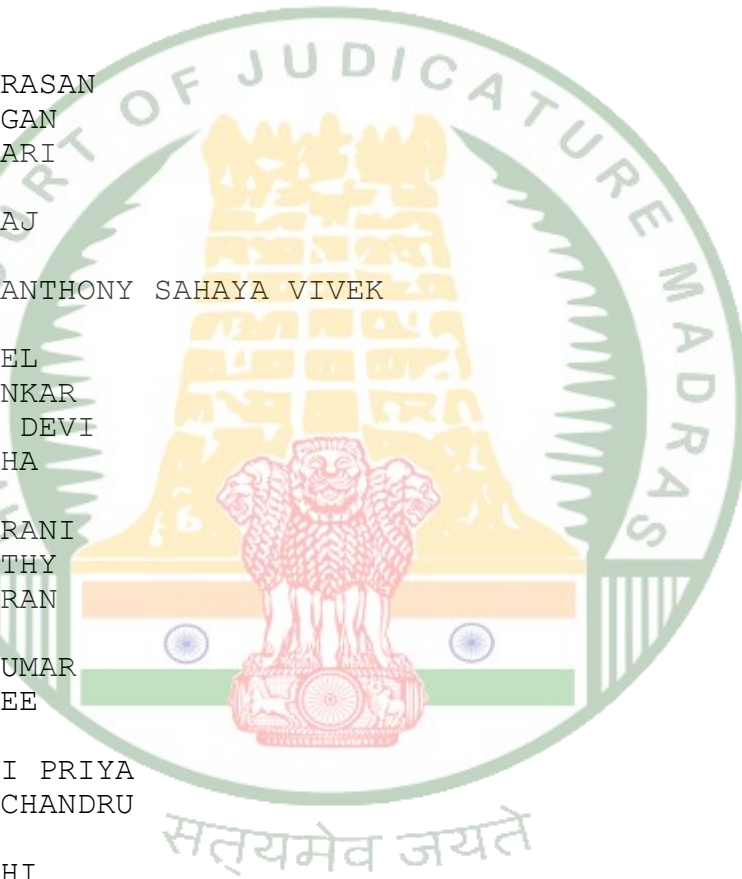
Vs

1 THE STATE OF TAMILNADU
Rep.BY ITS SECRETARY TO GOVERNMENT
HIGHER EDUCATION DEPARTMENT ,
FORT ST.GEORGE, CHENNAI-9

2 THE TEACHERS RECRUITMENT Board
Rep. by its Member Secretary 4th floor
EVK Sampath Maligai DPI Campus College
Road Chennai 6

3 E.DHANYLASHMI
4 JAYASUHDA
5 S.MEENA
6 R. VALLIAMMAL
7 KUJANI. T
8 M. THANIGAINATHAN
9 A. KALAIMANI
10 SARAVANAKUMAR R.
11 M. PRABHA
12 H. MADURAMBAL
13 KAYALVIZHI K.V.
14 G.T. ABINAYA
15 PRATHEBHA M.
16 V.R. MONIKASRI
17 R.VIKRAM
18 S. SAKTHIVELAN
19 N. KARTHICK VENKATESH
20 VANNIA RAJ M.
21 S. DINESH
22 M.AM. MANNAR THIPPU SULTHAN
23 M.M. MOHAMED LIYAKATHIALI KHAN

24 VIGNESH K.
25 B. SIVAGANTH
26 M. GANESH KUMAR
27 A. ARUN PRASANTH
28 R. SINGARAVELAN
29 S. LINGESHWARAN
30 M. THANIGAIVEL
31 S. CHANDRU
32 S. NAFEESA FARHANA
33 M. GUNA
34 A. ABDUL MUTHALIF
35 S. ATHIKESAVAN
36 M. MAGESH
37 R. IYAPPAN
38 G. TAMIZHARASAN
39 G. BALAMURUGAN
40 K. MAREESWARI
41 C. ARVINTH
42 R. VIJAYARAJ
43 R. RAHUL
44 A. DARWIN ANTHONY SAHAYA VIVEK
45 A. KAMESH
46 R. SAKTHIVEL
47 G. UMA SHANKAR
48 P. SHANTHI DEVI
49 S. HEMALATHA
50 S. SUMATHI
51 V. ANNAPOORANI
52 C. SARASWATHY
53 S. KALAIMARAN
54 A. NIRMALA
55 S. NANTHAKUMAR
56 J. JEYASHREE
57 G. KARTHI
58 N. BHARATHI PRIYA
59 V. SUBASH CHANDRU
60 K. LENIN
61 M. HEMAVATHI
62 R. ISWARYA
63 M. SENGUTTUVAN
64 R. BASKAR
65 R. RAJESH
66 R. SAVITHA
67 S. SUGANYA LILIAN
68 G.A. LOURDU RAJ
69 S. SIVAGAMI
70 J. VIDIAL MURASU
71 K. POORNACHANDRAN
72 O. PRASANNA KUMAR
73 V. KRISHNAMURTHY



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74 H. AMBIKA
75 K. ARCHANA
76 S.KARTHIGA
77 M. THAHASEEN FATHIMA
78 R. LALIDAMBIGAI
79 P. SIRANJEEVI
80 S. DHAS VINO
81 S. ASHOK KUMAR
82 P. EZHILARASU
83 G. DEEPIKA
84 S. MANOJ
85 V.M. RUPILAA
86 R. ROHINIDEVI
87 R. PREETHA
88 S. ANITHA
89 K. KRISHNAKUMARI
90 S. SUBASINI
91 K. SUJITHA
92 M. SARAVANAN
93 A. SHIVARANJAJI
94 M.N. RAJAPRABHA
95 T. SUDHAKAR
96 C. ARIVAZHAGAN
97 M. SIVAKUMAR
98 G. SATHISH KUMAR
99 M. MANI
100 R. VIJAYAKUMAR
101 M. KARTHIKEYAN
102 S. BHUVANESWARI
103 R. RAJALAKSHMI
104 K. SANGEETHA
105 PRABHAVATHI
106 P. KARTHIKA
107 S. SOUNDHARAM
108 S. SATHISH
109 B. CHITRA
110 M. SIVAGAMI



Appeal filed against the order passed by this Court dated 11/04/2018 in WP No.4155/2018.

PRAYER IN W.P.No.No.4155 of 2018:-

Writ Petition filed under Article 226 of the Constitution of India, praying to call for the records relating to the Press News of the 2nd respondent dt 9.2.2018 cancelling the direct recruitment for the post of Lecturers in the Government Polytechnic Colleges Notified in Advertisement No.6/2017 dt 28.07.2017 to quash the same and for a consequential direction directing the respondents to proceed with the selection as per the Advertisement No.6/2017 in whose case there is no mistake

and by conducting re-certificate verification for all those successful candidates only based on the marks given in the OMRs (Optical Mark Recognition) uploaded by the 2nd respondent and issue appointment orders and issue consequential orders.

For appellant : Mr.V.Govardhan
for Mr.Balan Haridas

For Respondents : Mr.K.Karthikeyan, Government Advocate

J U D G M E N T
(made by K.K.SASIDHARAN, J.)

The challenge in this intra court appeal is to the order passed by the learned Single Judge dismissing the Writ Petition filed by the appellants challenging the notification issued by the Teacher's Recruitment Board cancelling the recruitment of lecturers in Government Polytechnic Colleges on account of the act of tampering with the scanned copies of OMR Sheets relating to 196 candidates.

2. The Teachers Recruitment Board cancelled the competitive examination conducted for appointment to the post of Lecturers in various disciplines in the Government Polytechnic Colleges across the State for the year 2017-2018 on account of certain mal-practices committed by the outsourcing agency, entrusted with the work of evaluation, by using the scanned images of the OMR Sheets, notwithstanding the fact that the OMR sheets in original in the safe custody of the Board were intact and tampering took place only with regard to 196 scanned images of the OMR Sheets.

3. The learned single Judge at the Madurai Bench of this court allowed the writ petitions filed by the aggrieved candidates and set aside the notification cancelling the examination with a clear finding that it is possible to segregate the tainted candidates from the non-tainted. However, similar writ petitions were dismissed by another learned single Judge of the Principal Bench subsequently, even after taking cognizance of the judgment rendered by the co-ordinate Bench at Madurai on the very same issue.

4. The connected appeals came up for consideration before this Court in W.A Nos.2002, 1255, 1392, 1393, 1432, 1447, 1665, 1739 of 2018, 683 of 2019. The writ appeals were allowed by judgment dated 7th March 2019. The appeals filed by the Teacher's Recruitment Board were dismissed.

5. We extract the following paragraphs of the common judgment dated 7 March 2019 which would give an idea with regard to the nature of disposal:-

33. We confirm the order passed by the learned single Judge at the Madurai Bench. We set aside the order passed by the learned single Judge of the Principal Bench in W.P.No.Nos.3287 of 2018 and etc., batch. We quash the notification issued by the Teacher's Recruitment Board pursuant to the decision taken on 8 February 2018 for canceling the examination conducted on 16 September 2017 on the basis of the notification No.06/17 dated 28 July 2017.

34. We direct the Board to reject the candidature of 196 candidates who were accused of tampering with the scanned images of the OMR Sheets and take out the remaining OMR Sheets in original of the non-tainted candidates and proceed further with the selection process. The entire exercise relating to selection, including the issuance of orders of appointment by the Government, should be completed by 30 April 2019.

35. In the upshot, we allow the intra court appeals in W.A.Nos.2002, 1255, 1392, 1393, 1432, 1447, 1665, 1739 of 2018, 683 of 2019 and dismiss the appeals filed by the Teacher's Recruitment Board in W.A(MD) Nos.751 to 753 of 2018. No costs. Consequently, connected miscellaneous petitions are closed.

6. Since this Court has already quashed the notification issued by the Teacher's Recruitment Board cancelling the recruitment, there is no need for a further adjudication of the matter at the instance of the appellants.

7. The intra court appeal is disposed of in terms of the judgment dated 7th March 2019 in W.A Nos.2002, 1255, 1392, 1393, 1432, 1447, 1665, 1739 of 2018, 683 of 2019. No costs.

Sd/-

Assistant Registrar(CS III)

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Sub Assistant Registrar

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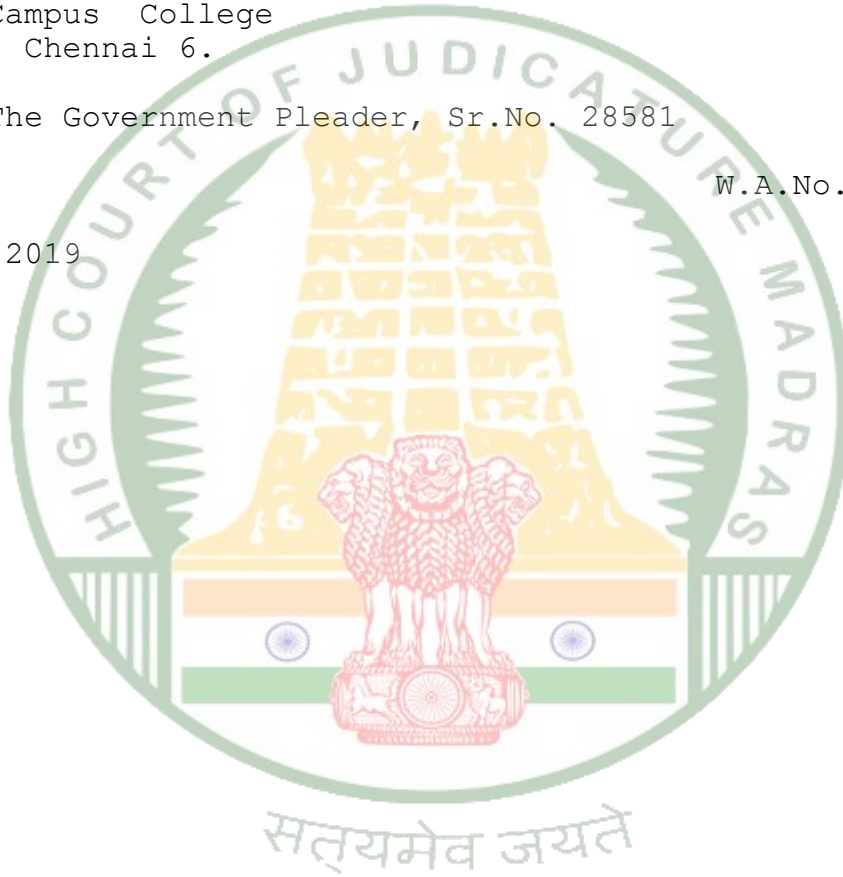
1. The Secretary to Government,
Higher Education Department,
Fort St.George,
Chennai-9

2. The Member Secretary
Teacher's Recruitment Board,
4th floor, EVK Sampath Maligai
DPI Campus College
Road Chennai 6.

+1 cc to The Government Pleader, Sr.No. 28581

W.A.No.930 OF 2019

PPA (CO)
CSL/13.05.2019



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