

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2019

CORAM

THE HONOURABLE Mr. JUSTICE M. DHANDAPANI

W.P.No.15882 of 2019

P. Rathidevi

... Petitioner

vs

1.The Chairman,
Tamil Nadu Teacher's Recruitment Board,
College Road,
Chennai - 6.

2.The Member Secretary,
Tamil Nadu Teacher's Recruitment Board,
College Road,
Chennai - 6.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to award 1 Mark to Question No.66 of the Direct Recruitment of Post Graduate Assistants Examination Attended by the petitioner and consequentially, appoint the petitioner as Post Graduate Assistants History teacher by considering her representation dated 24.07.2017.

For Petitioner : Mr.R. Marudhachalamurthy

For Respondents : Mr.C. Munusamy,
Special Government Pleader

ORDER

This petition has been filed seeking for a direction to the respondents to award 1 mark to Question No.66 of the Direct Recruitment of Post Graduate Assistants Examination attended by the petitioner and consequentially, appoint the petitioner as Post Graduate Assistants History teacher by considering her representation dated 24.07.2017.

2.The learned counsel for the petitioner as well as the respondents submitted that the issue involved in this Writ Petition is covered by the Judgment of the Hon'ble Division Bench of this Court in W.A.No.963 of 2019 dated 17.07.2019,

wherein at Paragraphs 5, to 9, this Court has held as follows:

5.The respondent secured 74 marks. Since 75 marks was the cut off mark prescribed for appointment, she was not selected. The respondent immediately thereafter, filed a writ petition primarily on the ground that the key answers were wrong and more particularly, in respect of Question No.66.

6.The learned single Judge took up the writ petition along with another writ petition in W.P.No.23127 of 2017. The learned single Judge was of the view that the answer for Question No.66 was given taking into account the text books recommended for Post Graduate students. The learned single Judge opined that option 'D' was not correct as the said answer was taken from a book, Ancient Indian History and Civilization, which is recommended for Post Graduate students. The writ petition was ultimately allowed and a direction was given to give one more mark to the respondent in respect of Question No.66. It is the said order which is impugned in this intra court appeal.

7.We are concerned with Question No.66 in 'D' series which is equivalent to Question No.84 in 'A' series. The key answer to Question No.66 was prepared by the subject experts. Since the selection was to the post of Post Graduate Assistants, the course of study at the Post Graduate level was taken for preparing the questions and the key answers.

8.The learned single Judge was of the view that the appellants were not justified in preparing the question and formulating the key answers by taking support from the Book, Ancient Indian History and Civilization, which was recommended for Post Graduate students. The contention taken by the respondent to the effect that the key answer should have been prepared by taking the textbooks for 6 th Standard and 12 th standard, was accepted by the learned single Judge. However, the fact remains that the appointment was to the post of Post Graduate Assistant. The appellants were justified in their contention that in view of the nature of post sought to be filled up, they were expected to prepare the questions and key answers, taking into account, the Post Graduate syllabus.

9.The jurisdiction of the writ court in a matter of this nature is very limited. It is not for the

Court to sit in the arm Chair of the examining body and to observe that a particular key answer should have been given for a particular question. The syllabus for the question can be set only by the examining body. The Court is not an expert in such cases. We are therefore of the view that the learned single Judge was not justified in directing the appellant to award one mark to the respondent in respect of Question No.66."

3. Therefore, following the Judgment of the Division Bench of this Court dated 17.07.2019 in W.A.No.963 of 2019, this Writ Petition is also dismissed. No costs.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Chairman,
Tamil Nadu Teacher's Recruitment Board,
College Road,
Chennai - 6.

2.The Member Secretary,
Tamil Nadu Teacher's Recruitment Board,
College Road,
Chennai - 6.

+1cc to Mr.R.Marudhachalamurthy, Advocate, S.R.No. 78928
+1cc to the Government Pleader, S.R.No. 78966

W.P.No.15882 of 2019

RGN(CO)
GN(22/01/2020)

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