

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.18655 and 21668 of 2019

and

W.M.P.Nos.17984 and 20888 of 2019

N.Govindaraj .. Petitioner in W.P.No.18655 of 2019

N.Ramaswamy .. Petitioner in W.P.No.21668 of 2019

Vs.

1.The State of Tamil Nadu,
represented by its Secretary to Government,
Education Department,
Fort St.George,
Chennai-600 009.

2.The Director of School Education,
(Higher secondary) DPI Compound,
College Road, Nungambakkam,
Chennai-600 006.

3.The Teachers Recruitment Board,
represented by its Chairman,
4th Floor, E.V.K.Sampath Maligai,
DPI Campus, College Road,
Nungambakkam,

Chennai- 600 006.... Respondents in both writ petitions

COMMON PRAYER: Petitions filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus forbearing the third respondent herein from in any manner conducting, Computer Based examination (On line) with respect to the Recruitment Notification No.10/2019, dated 12.06.2019, for the Direct Recruitment for the post of Post graduate Assistant / Physical Education Director, Grade-I for the year 2018-2019 and to conduct written examinations as conducted by the third respondent in the past.

For Petitioner : Mr.Venkataswamy Babu
W.P.No.18655 of 2019

For Petitioner : Mrs.Nalini Chidambaram
W.P.No.21668 of 2019 Senior counsel
for Ms.C.Uma

For R1 and R2 : Mr.A.Rajaperumal
Additional Government Pleader

For R3 : Mr.C.Muthusamy
Special Government Pleader

(in both writ petitions)

COMMON ORDER

These writ petitions are filed to forbear the third respondent herein from in any manner conducting Computer Based examination (On line) with respect to the Recruitment Notification No.10/2019, dated 12.06.2019, for the Direct Recruitment for the post of Post graduate Assistant / Physical Education Director, Grade-I for the year 2018-2019 and to conduct written examinations as conducted by the third respondent in the past.

2.The case of the petitioners is that they are having the qualification of M.A.(Business Economics) M.Ed., and M.Sc.,(Mathematics) B.Ed., respectively. The third respondent is the agency, engaged in the recruitment of Teachers for the Tamil Nadu Education Department and other Departments. The third respondent herein issued Recruitment Notification dated 12.06.2019, Notification No.10 of 2019, for the Direct Recruitment for the Post of Post graduate Assistants /Physical Education Directors Grade-I for the year 2018-2019. The last date for submitting on-line application was 15.07.2019. The third respondent decided to conduct Computer based Examination (On Line) for this particular selection. Aggrieved over the said on-line examination, the present Writ Petitions are filed.

3.The learned Senior counsel appearing for the petitioners would submit that the G.O.(ID)No.658, dated

08.10.2018, grants power to the third respondent to conduct the on-line examination. The said G.O., also refers that the third respondent is to assess the availability of infrastructure and capacity of the Identified Agency. The Recruitment Notification issued by the third respondent dated 12.06.2019 does not refer about the infrastructure facility and capacity of the Agency. Therefore, the on-line mode of Examination notified by the third respondent, has to be declared as arbitrary and without proper Application of Mind.

4.It is further submitted by the learned counsel for the petitioners that in the present case, without conducting any training programme to the candidates to write the on-line examination is not feasible. It is further submitted that the petitioners made a representations dated 25.06.2019 and 10.07.2019 to the third respondent for cancelling the on-line examination. However, till date, the representation was not considered. He also submit that a direction could be given to the third respondent to consider the representations and afford an opportunity of personal hearing and thereafter, to pass appropriate orders, within a reasonable time.

5.The learned Additional Government Pleader appearing for the respondents 1 and 2 and the learned Special Government Pleader appearing for the third respondent would submit that the petitioners' representation will be considered and personal hearing will be given to her. However, on-line examination cannot be dispensed with at this stage, since several applicants applied for on-line examination and therefore, cancelling the examination, is not feasible. However, the grievance of the petitioners will be considered at the time of conducting the examination.

6.This Court had already decided a similar writ petition in W.P.No.27136 of 2019 and granted reliefs as follows:

"6.Considering the facts and circumstances of the case and considering the submission made on behalf of the respondents Department that the request made by the petitioner will be considered, the third respondent is directed to consider the representation of the petitioner dated 22.08.2019 on or before 24.09.2019 and pass

appropriate orders. The decision taken by the third respondent, shall be furnished to the petitioner, on or before 24.09.2019."

7.The same relief is extended to these petitioners also. Accordingly, the third respondent is directed to consider the representations of the petitioners dated 25.06.2019 and 10.07.2019 on or before 24.09.2019 and pass appropriate orders. The decision taken by the third respondent, shall be furnished to the petitioner, on or before 24.09.2019.

8.The present writ petitions stand disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(co)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
State of Tamil Nadu,
Education Department,
Fort St.George,
Chennai-600 009.

2.The Director of School Education,
(Higher secondary) DPI Compound,
College Road, Nungambakkam,
Chennai-600 006.

3.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maligai,
DPI Campus, College Road,
Nungambakkam,Chennai- 600 006.

+1cc to M/s.Uma, Advocate SR.No.

+1cc to Mr.Venkataswamy Babu , Advocate SR.No.

+1 cc to Government Pleader Sr.No. 81448,81147

W.P.Nos.18655 and 21668 of 2019
and

W.M.P.Nos.17984 and 20888 of 2019

A.SK(20/09/2019)