

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.27136 of 2019

and

W.M.P.Nos.26517, 26518, 26524 and 26526 of 2019

R.Kiruthika

...Petitioner

Versus

1.The State of Tamil Nadu,
Rep. 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,
Rep. by its Chairman,
4th Floor, E.V.K. Sampath Maligai,
DPI Campus, College Road,
Nungambakkam,
Chennai-600 006.

...Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the record related to the Recruitment Notification of the 3rd respondent herein dated 12.06.2019 Notification No.10/2019 and the schedule of the computer based examination Notification dated 14.08.2019 of the 3rd respondent, quash the same further direct the 3rd respondent to conduct off line examination for the Recruitment to the post of Graduate Assistants/Physical Education Director Grade-I for the year 2018-2019 and for future Recruitments till the infrastructure facilities, capacity to conduct online exam and basic training to the candidates are assessed and found satisfactory.

For Petitioner : Mr.P.Tamilvel

For R2 : Mr.A.Raja Perumal
Additional Government Pleader

For R3 : Mr.C.Munusamy
Special Government Pleader

ORDER

The prayer sought for in this writ petition is for a Writ of Certiorarified Mandamus, to call for the records related to the Recruitment Notification of the 3rd respondent herein dated 12.06.2019, No.10/2019 and the schedule of the computer based examination Notification dated 14.08.2019 of the 3rd respondent and seeks to quash the same and to further direct the 3rd respondent to conduct off-line examination for the Recruitment to the post of Graduate Assistants/Physical Education Director Grade-I for the year 2018-2019 and for future Recruitments, till the infrastructure facilities, capacity to conduct on-line exam and basic training to the candidates are assessed and found satisfactory.

2. The case of the petitioner is that she is having the qualification of M.SC., (Mathematics) and B.ED. The 3rd respondent is the agency, engaged in the recruitment of Teachers for the Tamil Nadu Education Department and other Departments. The 3rd respondent herein issued Recruitment Notification dated 12.06.2019, 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 3rd respondent decided to conduct Computer based Examination (On Line) for this particular selection. Aggrieved over the said on-line examination, the present writ petition is filed.

3. Mr.P.Wilson, learned Senior Counsel appearing for the petitioner would submit that the G.O.(ID).No.658, dated 08.10.2018, grants power to the 3rd respondent to conduct the on-line examination. The said G.O., also refers that the 3rd respondent is to assess the availability of infrastructure and capacity of the Identified Agency. The Recruitment Notification issued by the 3rd respondent dated 12.03.2019 does not refer about the infrastructure facility and capacity of the Agency. Therefore the on-line mode of Examination notified by the 3rd respondent, has to be declared as arbitrary and without proper Application of Mind.

4. It is further submitted by the learned counsel for the petitioner 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 petitioner made a representation dated 22.08.2019 to the 3rd respondent for cancelling the on-line examination. However, till date, the representation was not considered. He also submits that a direction could be given to the 3rd respondent to consider the representation of the petitioner dated 22.08.2019 and afford an opportunity of personal hearing and thereafter, to pass appropriate orders, within a reasonable time.

5. The learned Special Government Pleader appearing for the 2nd respondent and the learned Additional Government Pleader appearing for the 3rd respondent would submit that the petitioner's 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 petitioner will be considered at the time of conducting the examination.

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 3rd 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 3rd respondent, shall be furnished to the petitioner, on or before 24.09.2019.

7. The present writ petition stands disposed of with the above direction. No Costs. Consequently connected Miscellaneous Petitions are closed.
gbi

Sd/-

सत्यमेव जयते Assistant Registrar (C.O)

//True Copy//

Sub Assistant Registrar

To

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

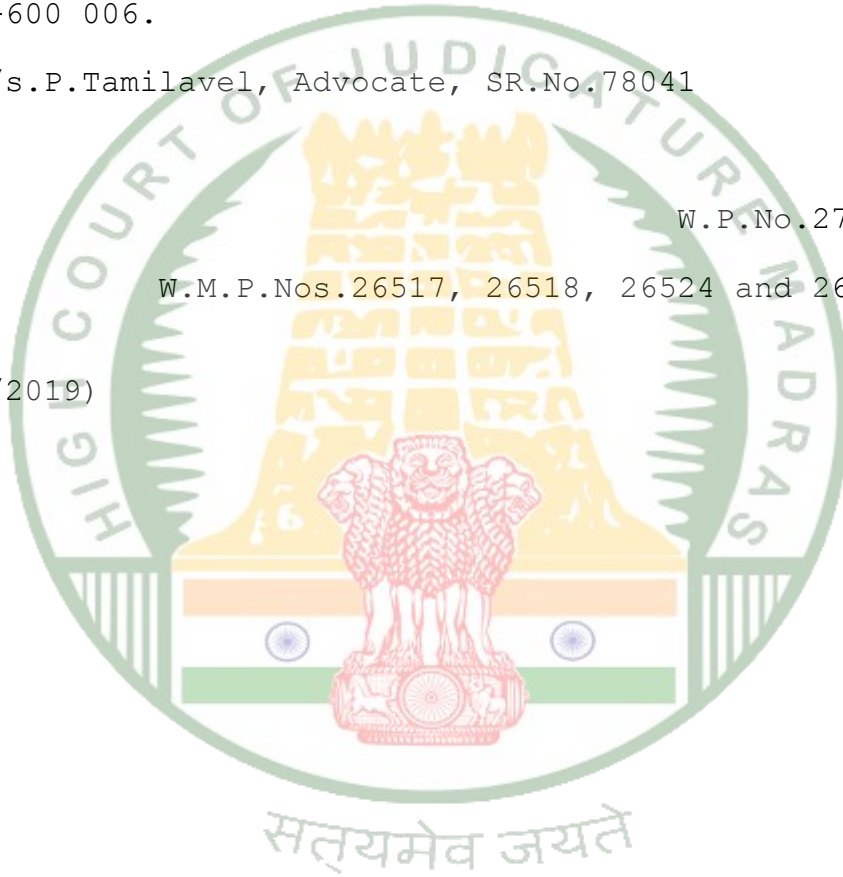
2.The Director of School Education,
(Higher Secondary) DPI Compound,
College Road, Nungambakkam,
Chennai-600 006.

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

+2cc to M/s.P.Tamilavel, Advocate, SR.No.78041

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Kak(12/09/2019)



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