

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 05.12.2019

CORAM:

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH., J

W.P.No.31119 & 31121 of 2019 &
W.M.P.No.31241 and 31244 of 2019

S.Sivaselvi .. Petitioner in WP.No.31119 of 2019
S.Poongodi .. Petitioner in WP.No.31121 of 2019

Vs

1. The State of Tamil Nadu ,
Represented by its Secretary,
Department of School Education,
Secretariat, Fort St.George,
Chennai 600 009.
2. The Director of School Education,
DPI Campus,
College Road,
Nungambakkam,
Chennai 600006.
3. The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Nungambakkam, Chennai 600 006. ..Respondents
in both WPs

Prayer in WP No.31119 of 2019.: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the respondents to award appropriate mark for the question No.16, 26, 93, 98, 101, 106, 126, 137 & 146 by accepting options as "D", "D", "B"- Equal to "B" "C", "C" -VII Plan". All the given options are wrong, "C" & "B" respectively as correct key answer based on the Text Book materials approved by the Government of Tamil Nadu and National Council of Educational Research and Training (NCERT) and thereby declare the petitioner as pass in the Post Graduate Teachers Test held on 27.09.2019 afternoon session.

Prayer in WP No.31121 of 2019.: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the respondents to award appropriate mark for the question No.38, 61,64,77,106, 114, 117, 121 & 141 by accepting options as "A", "B"-Water Tax" . All the given options are wrong,"A", "D" -3 Percent", "A", "A", "C" & "B" respectively as correct key answer based on the Text Book materials approved by the Government of Tamil Nadu and National Council of Educational Research and Training (NCERT) and thereby declare the petitioner as pass in the Post Graduate Teachers Test held on 27.09.2019 afternoon session.

For Petitioner : Mr.J.Deliran
in both WPs
For Respondents : Mrs.V.Annalakshmi
in both WPs Government Advocate for
R1 to R3

O R D E R

These writ petitions have been filed seeking for a direction to the respondents to award marks for certain answers given by the petitioners in the exam taken by the petitioners towards selection to the post of PG Assistant (Economics).

2. Heard the learned counsel for the petitioner and the learned counsel appearing on behalf of the respondents.

3. A batch of writ petitions came to be filed before this Court with a similar prayer and a common order was passed by directing the Teachers Recruitment Board to constitute an expert committee and consider the objection raised by the petitioner and take a decision.

4. The relevant portions of the order is extracted hereunder :-

6.From the materials on record and rival submissions of the parties, it is clear that there were disputes with the regard to correctness of the key answer given by the Teachers Recruitment Board. According to the petitioners, the key answer to the questions mentioned are wrong as per standard books published in the relevant subjects. The said contentions are disputed by the learned Special Government Pleader and the learned Government Advocate. It is no doubt true that for ascertaining the correctness or otherwise of the marks awarded to

certain questions, the respondents, constituted an Expert committee. The expert committee has also received objections are those objections will be considered. While so, this Court, in exercise of the power conferred under Article 226 of The Constitution of India, cannot decide the disputed question of facts in the Writ proceedings, especially, the key answers were prepared by the expert in the relevant subjects. However, in order to render substantial justice, this Court is of the view that the petitioners must be given an opportunity to substantiate their case, so that, in the event of their succeeding in getting awarded additional marks, they will become eligible for appointment.

7. For the above reason, the Teachers Recruitment Board is directed to constitute an Expert Committee in the subjects, which are under challenge in the present Writ petitions on or before 25.11.2019, consisting of the members, who are not in the earlier committee. The petitioners are directed to submit their objections on or before 21.11.2019 along with materials, which they relied on in respect of their claims that the key answers not correct. On receiving such objections, the Expert Committee is directed to consider the objections and take a decision on or before 28.11.2019.

4. The learned counsel for the petitioner submitted that pursuant to the orders passed by this Court, the petitioner has also given her objections. However, the learned Government Advocate was not able to confirm as to whether any such objections have already been made by the petitioner.

5. If the petitioner has not already made the objections before the Expert Committee, she is directed to submit her objections on or before 11.12.2019 and the Expert Committee is directed to consider the objections and take a decision on or before 18.12.2019.

6. These writ petitions are disposed of accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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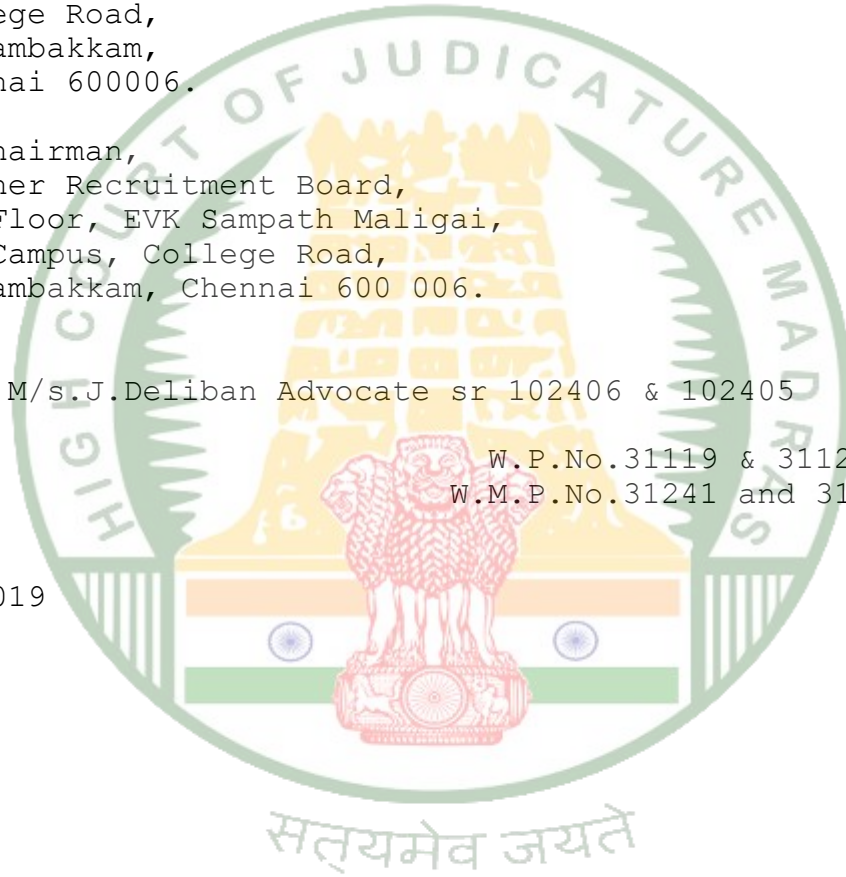
To

1. The State of Tamil Nadu ,
Represented by its Secretary,
Department of School Education,
Secretariat, Fort St.George,
Chennai 600 009.
2. The Director of School Education,
DPI Campus,
College Road,
Nungambakkam,
Chennai 600006.
3. The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Nungambakkam, Chennai 600 006.

+2 ccs to M/s.J.Deliban Advocate sr 102406 & 102405

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