

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 18.11.2019
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.31733 of 2019
and
W.M.P.No.31939 of 2019

K.Pragaspathy

.. Petitioner

-vs-

1.The Chairman,
Teachers Recruitment Board,
College Road, Chennai-6.

2.The Member Secretary,
Teachers Recruitment Board,
College Road, Chennai-6.

.. Respondents

Petition under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to award one mark for the answer attended by the petitioner in Question No.132 (C-Series) (Paper-II) and publish the correct result in so far relates to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Ms.P.Kavitha,
Government Advocate

O R D E R

The case of the petitioner is that the petitioner, who is an M.A., B.Ed., Degree holder, appeared for the Teachers Eligibility Test in the year 2013. However, he has not succeeded, as he had lost one mark for eligibility. His representation to the respondents did not evoke any response. Hence, he filed the present writ petition for issuance of Writ of Mandamus directing the respondents to award one mark for the answer attended by the petitioner in Question No.132 (C-Series) (Paper-II) and publish the correct result, insofar as the petitioner is concerned.

2.Mr.C.Prakasam, learned counsel for the petitioner would submit that the short issue arises is that in the test conducted by the Teachers Recruitment Board, there was a question, namely "In which language the song "Vande Matharam" was written

first?". For that question, the petitioner answered as Bengali. However, he was not granted one mark, instead, the respondents have given 'Sanskrit' as the right answer in the key. Upon enquiry, the petitioner found that "Vande Matharam" was written in Bengali first and therefore, he is entitled to one mark. Had the respondents given the correct answer as 'Bengali' in the answer key, the petitioner would have scored '82' marks and would have been given appointment. The respondents having failed to do so, the petitioner lost his opportunity to get appointment. Pursuant to the direction of this Court in W.P.No.32316 of 2013, in respect of very same question, the petitioner has come up with this writ petition.

3.The learned Government Advocate would submit that the test was conducted in the year 2013 and the petitioner has filed this writ petition in the year 2019 for a direction upon the respondents to reserve one post. However, the petitioner was earlier awarded one mark based on the judgment of Madurai Bench of Madras High Court and based on the opinion of the Expert Committee. After awarding one mark, the petitioner has filed this present writ petition, which is unsettled one.

4.The petitioner claims that he was not awarded one mark for the present question. He has secured 81 marks out of 150, but the respondents fixed the minimum marks for eligibility as 82. Hence, he claims that if the respondents award one mark, he will be considered for the post.

5.Considering the facts and circumstances, this Court is not inclined to consider the petitioner's request for one mark. In the present case, the respondents clearly state that the petitioner was awarded one mark, even then he was not selected. Further, the selection was conducted in the year 2013 and the writ petition is filed after six years. Hence, after a lapse of six years, I do not find anything survives for adjudication.

6.With the above observations, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

abr

To

1.The Chairman,
Teachers Recruitment Board,
College Road, Chennai-6.

2.The Member Secretary,
Teachers Recruitment Board,
College Road, Chennai-6.

W.P.No.31733 of 2019

A.SK(20/12/2019)



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