



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.32534 of 2019 and
W.M.P.Nos.32892 & 32893 of 2019

D.Amudha

... Petitioner

Vs.

1. The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006

2. Teachers Recruitment Board,
represented by the Chairman,
4th Floor, EVK Sampath Maaligai,
College Road,
Chennai-600 006

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to revise the Key answers to questions Nos.12, 42, 92, 137 and 145 in the subject History and award additional 5 marks to the petitioner having Roll No.19PG083803485 and Registration No.TRBPG476445 in the written test conducted by the second respondent for the post of PG Assistant in History pursuant to Notification No.10/2019 dated 12.06.2019 inviting applications from eligible candidates upto 15.07.2019 for the direct recruitment for the post of PG Assistant for the year 2018-2019 and consequently direct the respondents to appoint the petitioner in the post of Post Graduate Assistant in History in School Education for the year 2018-2019 taking the marks of the petitioner as 78 in the written test.

For Petitioner : Mrs.Nalini Chidambaram,
Senior Counsel
for M/s.C.Uma

For Respondents
For R1 : M/s.P.Kavitha,
Government Advocate

For R2 : Mr.C.Munusamy,
Special Government Pleader



relied on the following Judgments:-

"1.In Ram Vijay Singh and others Vs. State of Uttar Pradesh and others reported in (2018) 2 SCC 357;

2.In Kanpur University and others Vs. Samir Gupta and others reported in AIR 1983 SC 1230 : (1989) 2 SCALE 89 : (1983) 4 SCC 309 : (1984) 1 SCR 73;

3.In Uttar Pradesh Public Service Commission through its Chairman and another Vs. Rahul Singh and another reported in (2018) 7 SCC 254;

4.In A.Arthi Vs. The Tamil Nadu Public Service Commission in W.P.Nos.19276 and 19281 of 2018"

5.Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the second respondent.

6.From the materials on record and rival submissions of the parties, it is clear that there were disputes with regard to correctness of the key answers given by the Teachers Recruitment Board. According to the petitioner, the key answers to the questions mentioned are wrong as per standard books published in the relevant subject. The said contentions are disputed by the learned Special Government Pleader. 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 also came to the conclusion that the tentative key released by the second respondent is correct. 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, when the key answers were prepared by the experts in the relevant subject. However, in order to render substantial justice, this Court is of the view that the petitioner must be given an opportunity to substantiate her case, so that in the event of her succeeding, she will become eligible for appointment.

7.For the above reason, the Teachers Recruitment Board is directed to constitute an Expert Committee in the said subject, which is under challenge in the present Writ petition on or before 25.11.2019, consisting of the members, who are not in the earlier committee. The petitioner is directed to submit her objections on or before 21.11.2019 along with materials, which she is relying on in respect of her claim that the key answers are 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.



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8. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition are closed.

s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

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To

1. The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai - 600 006

2. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
College Road,
Chennai-600 006

+1 CC to Mrs.C.Uma, Advocate sr 96461.

+1 CC to The Govt. Pleader sr 97578.

W.P.No.32534 of 2019

BS (CO)
SP (12/12/2019)