



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 28.11.2019
CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI
W.P.No.32788, 32790 and 32791 of 2019
and WMP.Nos.33209, 33210 and 33212 of 2019

C.Devaki

.. Petitioner
in W.P No.32788 of 2019

G.Manigandan

.. Petitioner
in W.P No.32790 of 2019

S.Neelakandan

.. Petitioner
in W.P No.32791 of 2019

vs

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

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

3. The Chairman,
Teacher Recruitment Board
4th Floor, EVK Sampath Maligai
DPI Campus, College Road,
Chennai-600 006.

.. Respondents
in all WPs

Prayer in W.P No.32788 of 2019: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to award seven marks for the petitioner (19PG011207331) in respect of Tamil subject based on the proof produced from standard Textbooks and consequently directing the Respondents to select and appoint the petitioner to the post of P.G Assistant (Tamil) under B.C category, based on merits in the selection.



Prayer in W.P No.32790 of 2019: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to award seven marks for the petitioner (19PG012003851) in respect of Tamil subject based on the proof produced from standard Textbooks and consequently directing the Respondents to select and appoint the petitioner to the post of P.G Assistant (Tamil) under B.C category, based on merits in the selection.

Prayer in W.P No.32791 of 2019: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the Respondents to award seven marks for the petitioner (19PG011214636) in respect of Tamil subject based on the proof produced from standard Textbooks and consequently directing the Respondents to select and appoint the petitioner to the post of P.G Assistant (Tamil) under B.C category, based on merits in the selection.

For Petitioner	:	Mr.G.Sankaran
(in all WPs)		
For Respondents	:	Ms.P.Kavitha,
(in all WPs)		Government Advocate

C O M M O N O R D E R

Since the issues involved in these Writ Petitions are one and the same, these Writ Petitions are heard together and disposed of by way of this common order.

2. These petitions have been filed seeking a direction to the respondents to award marks in the online examination conducted by the first respondent on 27.09.2019 and further direction to the respondents to consider the petitioners candidature for appointment to the post of P.G Assistant in various subjects.

3. All the petitioners participated in the selection process conducted by the Teachers Recruitment Board for appointment to the post of P.G Assistant in various subjects. The selection was conducted through on-line examination by objective type questions for 150 marks. The minimum marks for being considered for appointment for Scheduled Caste and Scheduled Tribes is 68 marks and for others is 75 marks. The Teachers Recruitment Board published the key answer on 03.10.2019. The petitioners found that in number of questions, wrong key answers are given. The answers given by the petitioners are correct as per standard books in the relevant



subjects. The petitioners are entitled to mark for the said questions and if such marks are awarded to the petitioners, they will be eligible for being considered for appointment to the post of P.G Assistant. The Teachers Recruitment Board has not selected the candidates for entire vacancies published by them and still there are some vacancies. Under such circumstances, the petitioners have come up with these writ petitions for the relief stated above.

4. Ms. P.Kavitha, Government Advocate appearing for the respondents, contended that the notification was issued on 12.06.2019, fixing the last date for submitting the applications on 15.07.2019 and written examination was conducted on 27.09.2019. The Teachers Recruitment Board published the tentative key answer on 03.10.2019, inviting objections on or before 07.10.2019. The Teachers Recruitment Board received 11,000 objections from the candidates. The Teachers Recruitment Board constituted an Expert Committee to consider the objections received from the various candidates. The Expert Committee scrutinized all the objections received on 21.10.2019, after following the procedure, without any discrimination. Some of the petitioners have given objections within the time stipulated by the Teachers Recruitment Board. The Government Advocate further contended that the key answer to the questions were prepared in consultation with the expert and also considered the objections during that time. This Court cannot interfere with the key answer given by the expert. In support of his contention, he relied on the following judgements:

" 1. In Ran Vijay Singh and others Vs. State of Uttarpradesh 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 : (1983) 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 petitioners and the learned Government Advocate appearing for the respondents.

6. From the materials on record and rival submissions of the parties, it is clear that there are disputes with 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 Government Advocate. This Court cannot decide the disputed question of facts in the Writ proceedings, especially, the key answers are prepared by the expert in relevant subjects. At the same time, the petitioners must be given an opportunity to substantiate their case so that, in the event of their succeeding, 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 29.11.2019, consisting the members, who are not in the earlier committee. The petitioners are directed to submit their objections on or before 05.12.2019 along with materials, which they relied on in respect of their claims 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 20.12.2019.

9. With the above directions, all the Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

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To

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

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



3. The Chairman,
Teacher Recruitment Board
4th Floor, EVK Sampath Maligai
DPI Campus, College Road,
Chennai-600 006.

+1 cc to Mr.G.Sankaran Advocate sr100063
+1 cc to the Government Pleader sr100375

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