

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.12.2019

CORAM:

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

W.P.No.34344 of 2019

G.Mayakrishnan

... Petitioner

Vs

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

2.Teachers Recruitment Board.
Represented by the Chairman,
4th Floor, E.V.K. Sambath Maligai,
College Road, Chennai 600 006.

... Respondents

PRAYER: Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the second respondent to consider the representation of the petitioner dated 23.11.2019 and constitute an expert committee in the physics subject and permit the petitioner to submit his explanations with regard to the answers given in the Final Key Question Nos.46 & 98 and out of syllabus question Nos.34 & 70 and direct them to grant 4 marks consequently direct the respondents to appoint the petitioner in the post of Post Graduate Assistant in Physics in School Education for the year 2018-2019 taking the marks of the petitioner as 90 in the written test conducted for physics on 27.10.2019.

For Petitioner : Mr.A.Saravanan

For Respondents : Mr.V.Kadhirvel
Spl. Government Pleader

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O R D E R

This writ petition has been filed seeking for a direction to direct the second respondent to consider the representation of the petitioner dated 23.11.2019 and constitute an expert committee in the physics subject and permit the

petitioner to submit his explanations with regard to the answers given in the Final Key Question Nos.46 & 98 and out of syllabus question Nos.34 & 70 and direct them to grant 4 marks consequently direct the respondents to appoint the petitioner in the post of Post Graduate Assistant in Physics in School Education for the year 2018-2019 taking the marks of the petitioner as 90 in the written test conducted for physics on 27.10.2019.

2. Heard the learned Senior Counsel for the petitioner and the learned Special Government Pleader 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.

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

6. If the petitioner has not already made the objections before the Expert Committee, he is directed to submit his objections on or before 12.12.2019 and the Expert Committee is directed to consider the objections and take a decision on or before 20.12.2019.

7. This writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

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

2. The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K. Sambath Maligai,
College Road, Chennai 600 006.

+1cc to Mr.A.Saravanan, Advocate sr.102716

W.P.No.34344 of 2019

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nr 11/12/2019