

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28-03-2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.26178 of 2018

K.Chitra

..Petitioner

-Vs-

The Chairman,
Teachers Recruitment Board,
College Road,
Chennai-600 006.

..Respondent

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to award one mark for the answer attended by the petitioner in Question No.107 (D-Type) (Paper-II) and publish the correct result in so far as it relates to the petitioner and consequently, direct the respondent to consider the case of the petitioner for appointment as B.T. Assistant.

For Petitioner : Mr.L.Chandrakumar

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

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondent to award one mark for the answer attended by the writ petitioner in Question No.107 (D-Type) (Paper-II) and publish the correct result in so far as it relates to the writ petitioner and consequently, direct the respondent to consider the case of the writ petitioner for appointment as B.T. Assistant.

2. The grievance of the writ petitioner is that the answer provided by the writ petitioner in respect of Question No.107 (D-Type) (Paper-II) was correct and it was erroneously evaluated by the respondent. Thus the writ petitioner lost one mark in the TET Examinations.

3. The learned counsel appearing on behalf of the writ petitioner states that the similar issue was considered by this Court and an order was passed by this Court in WP 32316 of 2013 dated 25.7.2017 stating that the learned Advocate General Mr.R.Muthukumarasamy has also accepted the fact that the song "Vande Matharam" was originally written in Bengali and there was a mistake on the part of the respondent in not awarding the mark for the petitioner though he has selected the correct option 'Bengali'.

4. Relying on the said judgment, the writ petitioner states that the benefit granted to those candidates must be extended to her and on perusal of the judgment, it is relevant to note that the writ petition was filed in the year 2013 immediately after the examination in WP No.32316 of 2013. The writ petition was filed in the year 2013 and was decided in the year 2017. However, the writ petitioner was waiting as a fence sitter and approached this Court after the lapse of about five years from the conduct of the examination.

5. The person, who is waiting for the result of the judicial proceedings for about five years and thereafter approaching the Court by stating that the similar order is to be extended. The Court would not accept such a stale claims in view of the fact that the writ petitioner had not approached the Court immediately after the examinations and knowing the fact that some other writ petitions were filed.

6. Admittedly, the present writ petition is filed on 28.9.2018 for providing one mark to Question No.107 in respect of the examinations conducted during the year 2013. The results were declared long back and under these circumstances, this Court is not inclined to entertain the writ petition as the writ petitioner has approached this Court after the lapse of about five years from the date of conduct of the examinations.

7. Accordingly, the writ petition stands dismissed on the ground of laches. However, there shall be no order as to costs.

Svn

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Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

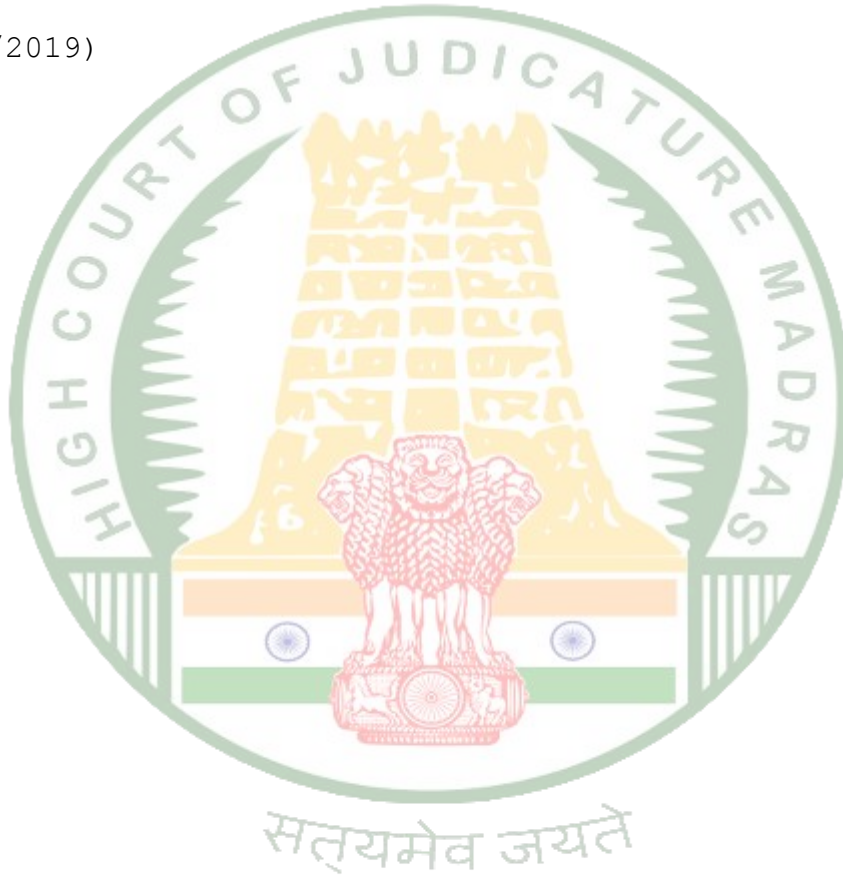
To

The Chairman,
Teachers Recruitment Board,
College Road,
Chennai-600 006.

+1cc to Mr.L.Chandra Kumar, Advocate, SR.No.30558
+1cc to the Govt.Pleader, Vide Sr.No.31068

W.P.No.26178 of 2018

Kak(15/05/2019)



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