



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

REV.APLC. (MD)Nos.154 to 159 of 2019

in

WA (MD) Nos.196,197,209,210,256, 258 of 2018

against

WP (MD) Nos.16170,16171,16167, 16168, 15953,16163 of 2017

1.The State of Tamil Nadu,
Rep by its Secretary to Government,
School Education Department,
Fort. St.George, Chennai-9.

2.The Chairman,
Teachers Recruitment Board,
EVK Sampath Maaligai, DPI Campus, College Road,
Chennai-6.
.. Petitioners/Appellants/
Respondents in all cases

Vs.

S.Chandra Mary

..Respondent/Respondent/Petitioner in REV.APLC (MD) .154 of 2019

T.Mariammal

..Respondent/Respondent/Petitioner in REV.APLC (MD) .155 of 2019

G.Santhi

..Respondent/Respondent/Petitioner in REV.APLC (MD) .156 of 2019

S.Selva Rani

..Respondent/Respondent/Petitioner in REV.APLC (MD) .157 of 2019

A.Maria Selvam

..Respondent/Respondent/Petitioner in REV.APLC (MD) .158 of 2019

J.Muthupandi

..Respondent/Respondent/Petitioner in REV.APLC (MD) .159 of 2019



Common Prayer in REV.APLC(MD).Nos.154 to 159 of 2019 :

Review Applications are filed under Order 47 Rule 1 and 2 of the Civil Procedure Code read with Section 114 of the Civil Procedure Code, praying this Hon'ble Court to review the order dated 16.02.2018 and 22.02.2018 made in WA(MD) Nos.196, 197, 209, 210, 256, 258 of 2018.

Prayer in WA(MD).Nos.196, 197, 209, 210, 256, 258 of 2018 :

Writ appeals are filed under section 15 of the Letter Patent Act, praying this Hon'ble Court against order dated 20.09.2017 made in WP(MD)Nos.16170, 16171, 16167, 16168, 15953, 16163 of 2017 respectively.

Prayer in WP(MD).No.16170 of 2017 :

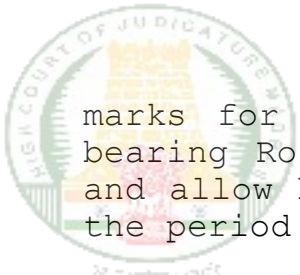
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Declaration declaring the final key answer provided for the question paper in Chemistry CDE-2017, Booklet series C, pertaining to Question Nos.3, 37, 40, 54, 74 & 94 provided by the 2nd respondent as incorrect and consequently to direct the 2nd respondent to award marks for the above said questions and to declare the petitioner bearing Roll No.17PG09050355 to have passed in written examination and allow him to participate in the certificate verification within the period that may be stipulated by this Honble Court.

Prayer in WP(MD).No.16171 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Declaration declaring the final key answer provided for the question paper in Chemistry CDE-2017, Booklet series A, pertaining to Question Nos.70,3,37,40,94 & 54 provided by the 2nd respondent as incorrect and consequently to direct the 2nd respondent to award marks for the above said questions and to declare the petitioner bearing Roll No.17PG07050051 to have passed in written examination and allow him to participate in the certificate verification within the period that may be stipulated by this Honble Court.

Prayer in WP(MD).No.16167 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Declaration declaring the final key answer provided for the question paper in Chemistry CDE-2017, Booklet series A, pertaining to Question Nos.8,32,110,38 & 94 provided by the 2nd respondent as incorrect and consequently to direct the 2nd respondent to award



marks for the above said questions and to declare the petitioner bearing Roll No.17PG08050323 to have passed in written examination and allow him to participate in the certificate verification within the period that may be stipulated by this Honble Court.

Prayer in WP(MD).No.16168 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Declaration declaring the final key answer provided for the question paper in Chemistry CDE-2017, Booklet series A, pertaining to Question Nos.84, 32, 35, 39, 88 & 110 provided by the 2nd respondent as incorrect and consequently to direct the 2nd respondent to award marks for the above said questions and to declare the petitioner bearing Roll No.17PG22050533 to have passed in written examination and allow him to participate in the certificate verification within the period that may be stipulated by this Honble Court.

Prayer in WP(MD). 15953/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus directing the 2nd respondent provide additional marks to the petitioner in connection with question No.14,15,22,45,72,102,103, for the post of PG Assistants (Chemistry) in Tamil Nadu Higher Secondary School and pass such further.

Prayer in WP(MD).No. 16163 of 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Declaration declaring the final key answer provided for the question paper in Chemistry CDE-2017, Booklet series A, pertaining to Question Nos.25, 43, 103, 3, 44, 63 ,79 & 103 provided by the 2nd respondent as incorrect and consequently to direct the 2nd respondent to award marks for the above said questions and to declare the petitioner bearing Roll No.17PG06050334 to have passed in written examination and allow him to participate in the certificate verification within the period that may be stipulated by this Honble Court.

For Petitioner : Mr.V.R.Shanmuganathan
Special Government Pleader

For Respondent : Mr.M.Navas Khan
for M/s.Ajmal Associates



COMMON ORDER

[Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.V.R.Shanmuganathan, learned Special Government Pleader for the petitioners and Mr.M.Navas Khan, learned counsel for the official respondent.

2. These applications have been filed to review the judgment, dated 16.02.2018. It is not in dispute that the petitioners had filed Special Leave Petitions against the judgment, dated 16.02.2018 and it is stated that the Special Leave Petitions were dismissed by the Hon'ble Supreme Court at the condone delay stage.

3. The petitioners are before this Court by way of these review applications stating that they have no difficulty in implementing the directions issued by this Court, but an exercise is required to be done by awarding mark to those questions and in the judgment we have named the names of six candidates and it is submitted that the award of marks has to be done to other candidates, who have not appeared before the Court as well and such an exercise is required to be done.

4. It goes without saying that any selection process has been done, the person, who does not come to the Court also deserves to redo the exercise. The exercise has to be redone in its entirety. In our view, no clarification is required in this aspect as this is a settled position and merely because the person has not approached this Court, does not mean that he will not be entitled to the benefit of the order. In the event of awarding of marks, necessarily the petitioners have to redo the exercise as per the notification in accordance with law and publish a list of eligible candidates to be appointed.

5. With the above clarification, these Review Applications are disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

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To

1.The Secretary to Government,
School Education Department,
Fort. St.George, Chennai-9.

2.The Chairman,
Teachers Recruitment Board,
EVK Sampath Maaligai, DPI Campus, College Road,
Chennai-6.

ORDER MADE IN
REV.APLW. (MD)Nos.154 to 159 of 2019
19.09.2019

VB 14.11.2019 4P 3C