



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 21.06.2019

Pronounced on : 02.07.2019

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THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P(MD) No.13459 of 2019

R.Poongodi

.. petitioner

vs.

The Teachers Recruitment Board
rep.by its Chairman,
4th floor, EVK Sampath Malikai,
DPI Campus,
College Road,
Chennai - 600 006.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to accept the petitioner's application submitted through online and issue hall ticket for writing the exam which is to be conducted on 23.06.2019 for the post of Computer Instructors Grade I (post graduate grade) in respect of the Notification No. 09/2019 dated 01.03.2019 issued by the respondent.

For Petitioner : Mr.T.Antony Arulraj

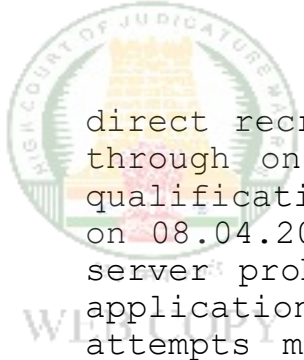
For Respondent : Mr.V.R.Shanmuganathan
Special Government Pleader

ORDER

This writ petition has been filed seeking direction to the respondent to accept the petitioner's application submitted through online and issue hall ticket for writing the examination, scheduled to be held on 23.06.2019 for the post of Computer Instructors Grade I (post graduate grade) in respect of Notification No.09/2019 dated 01.03.2019 issued by the respondent.

2.Heard the learned counsel for the petitioner and the learned Special Government Pleader for the respondent.

3.The case of the petitioner is that the respondent issued Notification No.09/2019 dated 01.03.2019, inviting applications from eligible candidates for the post of Computer Instructors Grade - I in School Education Department for the year 2018-2019, through



direct recruitment. The last date for submission of the application through online is 10.04.2019. The petitioner, having the required qualification of MCA, B.Ed., applied to the said post through online on 08.04.2019, but the said application was not accepted because of server problem. Again, the petitioner made attempts to submit the application through online on 09.04.2019 and 10.04.2019, but, the attempts made by the petitioner are ended in vain due to server problem. The petitioner has also made a representation dated 12.06.2019 to the respondent. But the same has also not been considered by the respondent. Hence, the petitioner is before this court with the aforesaid relief.

4.The respondent has filed a detailed counter affidavit, refuting the allegations made by the petitioner. In the counter affidavit it is stated that the allegation of the petitioner that she was not able to submit application through online due to server problem is not correct, since number of applications were received through online on 09.04.2019 and 10.04.2019. The reason assigned by the petitioner for not submitting the application through online cannot be accepted and therefore, this writ petition is liable to be dismissed.

5.The allegation made by the petitioner is that due to server problem, her online application was not accepted. However, the petitioner made several attempts to submit application through online, but due to server problem, she was not able to process the application and there is no fault on the part of the petitioner. Therefore, the application submitted by the petitioner through online may be accepted by the respondent Board and hall ticket may be issued to the petitioner to write examination, scheduled to be held on 23.06.2019.

6.Per contra, the learned Special Government Pleader for the respondent, based on the counter affidavit filed by the respondent, submitted that the Board has clearly stated in the Notification that the Board would receive applications only through online mode from 20.03.2019 to 10.04.2019. Further he submitted that 3481 applications were received through online on 09.04.2019 and 10.04.2019. Therefore, the allegation of the petitioner that due to server problem she could not apply through online from 08.04.2019 to 10.04.2019 is not correct and the request of the petitioner cannot be accepted. If the request of the petitioner is considered, then, it will open the floodgates to the similarly placed candidates to seek similar relief and the Board will not be able to proceed with the examination process and hence, prays for dismissal of the present writ petition.

7.Based on the allegation made by the petitioner regarding technical fault, this Court, directed the technical expert in the field of server, deputed by the respondent Board to file an affidavit before this Court. Accordingly, Mr.S.K.Kannan, Centre Administrator, NSEIT Ltd., Madurai, filed an affidavit dated



21.06.2019 before this Court, wherein, paragraph - 3 reads as follows:

"I submit that on perusal of affidavit of writ petitioner I came to understand that writ petitioner herein applied through online portal, but unable to successfully complete the same. Hence, she approached this Hon'ble Court. I submit that in this regard it is relevant to point out the following:

(i) Online application server will be only one.

(ii) Any number of candidates can login and apply at the same time and there is no limitation or restriction. The list of number of candidates applied online for the examination in question, from the date of commencement to till the last date is also annexed herewith.

(iii) Once candidate login in portal it is duty of candidate to ensure that she completed all procedure for submitting the application through online portal.

(iv) If the candidate after filling entire application and making payment he/she should select submit button which provided to complete the entire process then he/she would get pop up or message that applicaion had been submitted successfully.

(v) If at all candidates found any error during such exercise either he/she apply a fresh or he/she can contact help desk number which provided in the portal itself.

(vi) If there is any server error then it would pop up in the portal itself.

8. Further it is clarified before this Court that in the present case the petitioner had logged in portal on 08.04.2019 and filled certain details in the application and logged out from the portal without making any payment. Subsequently, on 10.04.2019, again the petitioner logged in the portal at 05.15 pm, after expiry of time and logged out from portal. Therefore, there is no server error as stated by the petitioner. Further the history of login of the petitioner would show that while she was in online, she has not completed all the procedures in submitting the applications through the online portal and discontinued at some point.

9. From a perusal of the aforesaid affidavit filed by the technical expert, it is made clear that the petitioner has not made serious efforts to submit the application through online mode and there is a delay in submitting the application and the reason stated in the affidavit for such delay is not acceptable and the petitioner has not taken any steps before the authorities concerned after the alleged server error and she submitted the representation on 12.06.2019, that too, after a lapse of two months. Further, the

Board has also clearly stated in the Notification that applications will be received through online mode from 20.03.2019 to 10.04.2019.

10. For the foregoing reasons and discussions, this Court is of the view that the petitioner is not entitled to the relief sought in the writ petition. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (RTI)

/ True Copy /

Sub Assistant Registrar (CS-)

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To

The Chairman,
The Teachers Recruitment Board
4th floor, EVK Sampath Malikai,
DPI Campus,
College Road,
Chennai - 600 006.

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate
(SR-72923[F] dated 02/07/2019)

order made in
W.P(MD) No.13459 of 2019
02.07.2019

ES/09.07.2019/4P/3C