



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.06.2019

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

AND

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) No.14333 of 2019

and

W.M.P. (MD) Nos.10760 and 10761 of 2019

K.Priya

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Principal Secretary,
Department of School Education,
St.George Fort,
Chennai.

2.The Chairman,
Teachers Recruitment Board,
4th Floor, EVKS Maligai,
DPI Complex,
College Road, Chennai.

3.The Director of School Education,
(Higher Secondary),
College Road,
Chennai-600 006.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the entire records pertaining to impugned notifications for the Direct Recruitment of Computer Instructors Grade-I (PG Cadre) for the year 2018-2019 vide Notification No.09/2019, dated 01.03.2019 and its consequential Notification dated 24.06.2019 issued by the second respondent and quash the same and further direct the second respondent to issue a fresh notification for the Direct Recruitment of Computer Instructions Grade-I (PG Cadre) within a time stipulated by this Court.

For Petitioner : Mr.S.M.Anantha Murugan

For Respondents : Mrs.S.Srimathy
Special Government Pleader
for R.1 and R.3
: Mr.V.R.Shanmuganathan
Special Government Pleader
for R.2

**ORDER**

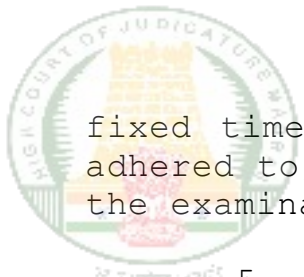
(Order of the Court was made by M.SATHYANARAYANAN, J)

WEB COPY The present Writ Petition styled as a Public Interest Litigation is filed by one of the participants for filling up the post of Computer Instructors in the Government and Government aided schools. According to the petitioner, the first respondent has issued notification in G.O.Ms.No.770, dated 07.12.2018 to fill up 814 vacancies of Computer Instructors in the Government and Government aided schools all over the Tamil Nadu and it is also her case that on account of such notification, numerous persons, who already completed the Post Graduate in Computer Science and B.Ed., course would be affected, since the selection is going to be done without conducting any examination.

2. The petitioner also filed W.P.(MD)No.25399 of 2018 as a Public Interest Litigation, challenging the legality of the above said Government Order and it was entertained and an interim order was granted. Subsequently, the second respondent has issued another notification for direct recruitment of Computer Instructors Grade -I (PG Cadre) for the year 2018-2019, vide Notification No.09/2019, dated 01.03.2019, for filling up the very same number of vacancies and the examination process was through on-line computer based examination. The petitioner also applied for the post of Computer Instructors and her registration number is TRBPGC3571958 and the exam date was fixed on 23.06.2019 and the duration of examination was fixed for three hours i.e., 10.00 a.m. to 01.00 p.m.. The petitioner was also issued with a hall ticket and the examination centre is at Pavendar Bharathidasan College of Engineering and Technology, Trichy and on 23.06.2019, she had written her examination.

3. It is the specific case of the petitioner that in some of the centres, due to connectivity and server problem, the candidates could not able to finish their examination within the time and the petitioner would further aver that in some centres, mobile phones and other electronic gadgets were also permitted to be taken and therefore, the conducting of examination on the part of the second respondent was also not fair. The social and news medias had also clearly published the news items, as to the lacuna and infirmity.

4. The petitioner, in this Public Interest Litigation, made a challenge to the impugned notification dated 24.06.2019 issued by the second respondent, on the ground that a fresh notification <https://hcservices.ecourts.gov.in/hcservices/> was issued for conducting the examination afresh and it is the duty of the second respondent to complete the same within the



fixed time and time schedule and once, the time schedule is not adhered to, the examination in toto to be cancelled and therefore, the examination ought not to have been held.

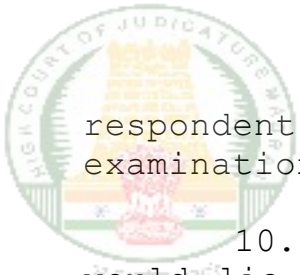
5. The learned Counsel appearing for the petitioner would submit that though in the centre, in which the petitioner has participated under the on-line mode examination, she was able to complete the same and in some of the centres, the candidates, who were similarly placed like the petitioner, had faced very many difficulties in completing the examination process through on-line and would further aver that the same set of question papers has also been repeated in the afternoon session also and therefore, the process of examination conducted by the Governmental agency viz., the second respondent, was improper and wholly unfair and therefore, prays for appropriate orders to quash the notification with a direction, directing the second respondent to issue fresh notification for filling up the post of Computer Instructors Grade -I (PG Cadre) within the stipulated time.

6. Mrs.S.Srimathy, learned Special Government Pleader, accepts notice on behalf of the first and third respondents and Mr.V.R.Shanmuganathan, learned Special Government Pleader, accepts notice on behalf of the second respondent and on instructions, would submit that the on-line examinations were conducted in 119 centres and 3839 candidates had participated and only in three centres, there was a problem in conducting on-line examination due to down of servers and 1308 candidates were affected and for them, a fresh on-line examination would be conducted on 27.06.2019.

7. This Court has also posed a query to the learned Special Government Pleader appearing for the second respondent, as to whether the same set of question put to the candidates while on-line examination held on 23.06.2019 would be repeatedly, a positive answer was given by the learned Special Government Pleader by stating that it is not, a fresh set of on-line question papers would be put in place and the said submission, on instructions, is placed on record.

8. It is also to be noted at this juncture that the petitioner is one of the participants in the examination and she was successful in completing the on-line examination and it appears that she is espousing the cause of some of the candidates, who could not complete the examination in the on-line examination, when it was held on 23.06.2019. When the concerned individuals are really aggrieved, they are always at liberty to approach the competent Forum for redressing their grievances.

9. Though the petitioner, as a Public Interest Litigant, <https://hcservices.epncl.org/hcservices/> many infirmities in the affidavit filed in support of the writ petition, the fact remains that she had not submitted any representation in this regard to the second



respondent and she assumes that all the problems relating to the examination would be solved only by this Court.

10. It is a settled position of law that a Writ of Mandamus would lie when in the case of demand and refusal and the demand and non-consideration. Admittedly, the petitioner did not submit any representation to the second respondent pointing out the infirmities, before approaching this Court and on that ground also, the Writ Petition is premature.

11. At the same time, this Court is also of the considered view that the second respondent is also under obligation to conduct the examination without any glitch, for the reason that any problem occurs during the course of examination, panic may be created and the candidates participate in the examinations may not be able to understand and answer the questions properly and therefore, the learned Special Government Pleader appearing for the second respondent assures that such kind of problems would not occur in future and all the remedial and corrective measures would be put in place.

12. It is also open to the petitioner to submit a detailed representation along with supporting documents and materials to the second respondent as well as suggest the remedial measures for conduct of the on-line examination and as and when such representation is received by the second respondent, the same shall be disposed of on merits and in accordance with law as expeditiously as possible and communicate the decision taken in this regard to the petitioner.

13. In the result, the Writ Petition is dismissed with the above observations. No costs. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (Record)

// True Copy //

Sub Assistant Registrar (CS)

To

1. The Principal Secretary,
State of Tamil Nadu,
Department of School Education,
St. George Fort,



2.The Chairman,
Teachers Recruitment Board,
4th Floor, EVKS Maligai,
DPI Complex,
College Road, Chennai.

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3.The Director of School Education,
(Higher Secondary),
College Road,
Chennai-600 006.

+1 CC to M/s.SPL GP (SR-72134[F] dated 28/06/2019)

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W.P. (MD) No.14333 of 2019
26.06.2019

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