



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR

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W.P(MD).No. 14362 of 2019  
and W.M.P.(MD) Nos.10793 to 10795 of 2019

C. Sumitha : Petitioner

Vs.

1. Teachers Recruitment Board,  
Represented by the Chairman,  
4<sup>th</sup> Floor, EVK Sampath Maligai,  
DPI Campus, College Road,  
Chennai - 600 006.
2. The Director of School Education,  
O/o. the Directorate of School Education,  
College Road, Nungambakkam,  
Chennai - 6.
3. The Regional Director,  
National Council of Teacher Education (NCTE),  
Jnanabharathi Campus Main Road,  
Nagarbhavi, Bangalurur - 560 072. : Respondents

**PRAYER:** This Writ Petition is filed under Article 226 of the Constitution of India for issuing a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned notification, dated 24.06.2019 calling for re-examination only for certain selected centres for the Direct Recruitment of Computer Instructors Grade-I (Post Graduate Cadre) based on notification, dated on 01.03.2019 as Online Computer Based examination on the file of the 1<sup>st</sup> respondent and quash the same as illegal and further direct the 1<sup>st</sup> respondent to conduct re-examination for all the candidates who appeared the examination conducted by the 1<sup>st</sup> respondent on 23.06.2019.

|                  |                                                         |
|------------------|---------------------------------------------------------|
| For Petitioner   | : Mr.T. Lajapathi Roy for<br>Mr.S.Lenin Prabu           |
| For Respondent-1 | : Mr.V.R. Shanmuganathan,<br>Special Government Pleader |
| For Respondent-2 | : Mrs.S.Srimathy,<br>Special Government Pleader         |

**ORDER**

This Writ Petition has been filed challenging the impugned notification, dated 24.06.2019, calling for re-examination only for certain selected centres for the Direct Recruitment of Computer Instructors Grade-I (Post Graduate Cadre) based on the notification, dated 01.03.2019 as Online Computer Based examination, on the file of the 1<sup>st</sup> respondent and quash the same as illegal and further direct the 1<sup>st</sup> respondent to conduct re-examination for all the candidates who appeared the examination conducted by the 1<sup>st</sup> respondent on 23.06.2019.

2. According to the petitioner, she has applied by Online mode for the post of Computer Instructors Grade-I (Post Graduate Cadre). The petitioner has attended the examination on 23.06.2019 at Latha Mathavan Engineering College, Kidaripatti, Madurai at 10.00 to 01.00 p.m., and her Roll No.19PGC14501219 and the Registration No.TRBPG6299253. The writ petitioner has appeared on the aforesaid examination at 08.30 a.m., and was allowed to appear the examination.

3. According to the petitioner, due to Internet and Technical problems, most of the centres did not conduct the examination as per the scheduled time. In some of the examination centres the candidates went for protest because of server problem and in some centres there is no strict invigilation, which leads to malpractice such as group discussion, using mobile phones and shockingly in some centres the online examination went up to 05.00 p.m. and there is no CCTV security in the computer Laboratories. After completing examination, the writ petitioner came to know about all the issues and unfair activities as well as illegal means in the examination conducted through social media and the same was shared to all. In some centres, candidates were allowed to use the mobile phone and bag in the examination hall.

4. According to the petitioner, by considering some complaints, on 23.06.2019, the first respondent board announced that re-exam will be conducted in respect of particular centres, due to technical problem in the server and the name of the three colleges have also been announced; namely;

- 1.K.S.R College of Engineering, Tiruchengode, Namakkal District.
- 2.Annai College of Engineering and Technology, Kumbakonam, Thanjavur District.
- 3.Kongunadu College of Engineering and Technology, Thiruchirappali District.

5. According to the petitioner, the said malpractices, time variation, technical problem went on, on many exam centres, but the TRB has announced only three centres to conduct the re-examination. The writ petitioner has made a representation on 25.06.2019 to re-conduct the examination for all the candidates, who appeared for



the examination. But, no response and no decision was taken. Hence, the writ petitioner has filed the present writ petition.

6. The learned Special Government Pleader appearing for the first respondent would submit that the writ petitioner has attended the examination on 23.06.2019 at Latha Mathavan Engineering College, Kidaripatti, Madurai and if the writ petitioner is having any grievance, she ought to have made a complaint before the first respondent board immediately or the next day. But, the writ petitioner has not given any such complaint till 25.06.2019.

7. The grievance of the petitioner is that the first respondent board has to conduct re-examination to the above said centre for filling up the post of Computer Instructors Grade-I, based on the allegations spread over in the social media.

8. Without making any specific allegation on the particular centre and making allegations on all the centres concerned, the petitioner cannot seek such kind of relief i.e., to conduct reexamination in the above centre. If the petitioner makes any allegation based on the materials with regard to the malpractice conducted in the particular centre due to server defects, it is always open to the petitioner to make a complaint before the first respondent board by pointing out specific allegations or defects in the aforesaid centre. Therefore, the present writ petition cannot be entertained.

9. Further, the learned Special Government pleader appearing for the first respondent stated that based on the complaint, the first respondent Board had taken action and rectified the defects in the centres and subsequently, examination was conducted in some of the centres. In some of the institutions, there was a delay due to continuous technical defects and after rectifying the same, the candidates were permitted to attend the examination beyond the scheduled time. The three institutions, where reexamination is scheduled to be conducted are concerned, the Board has decided to conduct re-examination in the said three centres on 27.06.2019, based on the complaint and after thorough verification.

10. In view of the aforesaid statement, now the petitioner agreed before this Court that she will make a fresh representation today to the first respondent Board, so far as the petitioner's centre is concerned and ask for re-examination for the post of Computer Instructors Grade-I.

11. In the light of the above facts and also in the interest of Justice, this Court is inclined to pass the following order;

1. the petitioner is directed to make a complaint before the first respondent Board today itself i.e., on 26.06.2019.

2. This Court directs the Chairman of the first respondent Board and Director of Government Examinations, Chennai to enquire



into the complaint and take appropriate action, within a period of one week, from today, i.e., on 26.06.2019 and the above said decision has to be communicated to the petitioner.

12. With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected petitions are closed.

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Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Chairman,  
Teachers Recruitment Board,  
4<sup>th</sup> Floor, EVK Sampath Maligai,  
DPI Campus, College Road,  
Chennai - 600 006.
2. The Director of School Education,  
O/o. the Directorate of School Education,  
College Road, Nungambakkam, Chennai - 6.
3. The Regional Director,  
National Council of Teacher Education (NCTE),  
Jnanabharathi Campus Main Road,  
Nagarbhavi, Bangalurur - 560 072.

+1cc to Mr.S.LENIN PRABHU, Advocate, SR.No.71831

WP(MD).No.14362 of 2019  
26.06.2019

KSA  
KK/SAR/27.06.2019/4P-5C

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