



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.07.2019

WEB COPY

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD) No.14768 of 2019

S.Glan Dinesh Kumar

... Petitioner

-Vs-

The Chairman,
Teachers Recruitment Board
College Road, Chennai - 6.

... Respondent

Prayer: Writ Petition - filed under Article 226 of Constitution of India, to issue a writ of Mandamus, directing the respondent to award one mark for the answer attended by the petitioner in Question No.132(C) Type (Paper II) in the Teacher Eligibility Test Examination conducted on 18/08/2013 and further direct the respondent to declare the petitioner as pass in paper II of TET Examination and consequently issue necessary certificates .

For Petitioner : Mr.K.P.Narayanakumar

For Respondent : Mr.V.R.Shanmuganathan, Spl.G.P.

ORDER

The prayer in this writ petition is for a Writ of Mandamus, directing the respondent to award one mark for the answer attended by the petitioner in Question No.132(C) Type (Paper II) in the Teacher Eligibility Test Examination conducted on 18/08/2013 and further direct the respondent to declare the petitioner as pass in paper II of TET Examination and consequently issue necessary certificates.

2.Heard Mr.K.P.Narayanakumar, learned counsel appearing for the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondent.

3.With the consent of both the parties, this writ petition is disposed of, at the admission stage itself.

4.The learned counsel appearing for the petitioner as well as the learned Special Government Pleader appearing for the



respondent would submit that the prayer sought for in this writ petition is covered by two decisions earlier passed in similar circumstances by two learned Judges of this Court. One is dated 29.11.2018 made in W.P.(MD) No.17054 of 2017 in **S.M.A.Uthaman Vs. The Chairman, Teachers Recruitment Board, College Road, Chennai - 600 006**, where, the learned Judge has passed the following order:

"2. It is submitted by the learned counsel appearing for the respondent that pursuant to the direction of this Court, in a connected matter, one mark has been added to the candidates who participated in the said examination due to error in Question no.97(B Type)(Paper II) and persons, if found eligible for the TET certificate, that 'one mark' has been added. This petitioner is also similarly placed and therefore, by adding one mark, he is entitled for the TET certificate.

3. Considering the above facts and circumstances of the case, TET certificate may be issued to the petitioner and the same shall be valid till the year 2020 and he will be entitled for consideration in future recruitment. The respondent is directed to issue the TET certificate to the petitioner, if found eligible within a period of six weeks from the date of receipt of a copy of this order."

Subsequently, in another writ petition in W.P.(MD) No.17446 of 2018 dated 14.02.2019, in **P.Hemalatha Vs. The State of Tamilnadu, rep. by its Principal Secretary, Department of School Education, Fort St. George, Chennai - 9**, the learned Judge has passed the following order:

"2. Heard the learned Counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the materials available on record.

3. The learned Counsel appearing for the petitioner submitted that a similar issue had already been considered by this Court in W.P.(MD) Nos.17694 and 14471 of 2018, by order dated 19.09.2018, wherein this Court held as follows:

"Hence, this Court, without granting the reliefs sought for by the petitioners, directs the respondents to give one mark to question No.97 in "B Series" in the TET Examination 2013 and issue certificate to that effect and consider the case of the petitioners, in case of any selection/recruitment process upto the year 2020, if they fulfil all other qualifications/requirements.



With the above directions, the Writ Petitions stand disposed of. No costs."

4. In such view of the matter, since this Court has already considered the similar issue in W.P.(MD) Nos.17694 and 14471 of 2018, by order dated 19.09.2018, this Writ Petition is also disposed of in the above terms. No costs."

5. In view of the said two orders passed and the learned counsel on either side submitted that similar orders in number of cases have been passed, following those orders, since the prayer sought for in this writ petition also similarly placed, this Court is inclined to pass the following order:

"The corrected mark statement after adding one mark to the petitioner shall be valid till 2020 and within which time, if any recruitment comes, it is open to the petitioner to compete with others with the said revised mark and it is made clear that the petitioner by having the mark statement revised cannot seek any pre-emptive right or special privilege to be considered for appointment or recruitment in any earlier recruitment or appointment already made or completed."

6. With this observation and direction, this writ petition is ordered accordingly. No costs.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar (CS)

To

The Chairman,
Teachers Recruitment Board
College Road, Chennai - 6.

+1 CC to Mr.K.P.NARAYANA KUMAR, Advocate (SR-72991[F] dated 03/07/2019)

Order made in
W.P. (MD) No.14768 of 2019
Dated: **03.07.2019**

Arul