



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.1191 of 2014

R.Behan

... Petitioner

-Vs-

1.The Secretary to Government,
Higher Education Department,
St. George Fort, Chennai.

2.The Director,
Teachers Recruitment Board,
College Road, Chennai.

3.The Deputy Director,
Teachers Recruitment Board,
College Road, Chennai.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondent No.2 to give marks for the Q.No.3, Q.No.15, Q.No.40 and Q.No.120 in Booklet Series (A) (English Medium) commerce which was correctly answered by the petitioner and also call the petitioner for the certificate verification and also direct the respondents to keep one post vacant for the post of Post Graduate Assistant till the disposal of the petition.

(Prayer amended vide Court Order dated 03.04.2014
in M.P. (MD) No.1 of 2014)

For Petitioner : Mr.A.L.Kannan,
for Mr.P.Vijaya Raghavan

<https://hcservices.ecourts.gov.in/hcservices> For Respondents : Mrs.S.Srimathy,
Special Government Pleader.

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the second respondent to give marks for the Q.No.3, Q.No.15, Q.No.40 and Q.No.120 in Booklet Series (A) (English Medium) commerce, which was correctly answered by the writ petitioner and also call the writ petitioner for certificate verification and also to direct the respondents to keep one post vacant for the post of Post Graduate Assistant.

2.The writ petitioner states that he appeared in the TRB eligibility examination, which was held on 21.07.2013. The writ petitioner scored 103 marks out of 300 and as per the TRB rules, the writ petitioner was allowed to get two more marks for eligibility of employment seniority. Accordingly, the writ petitioner scored 105 marks. Based on the marks obtained, the writ petitioner is constrained to move the present Writ Petition, seeking selection and appointment.

3.The learned Special Government Pleader appearing for the respondents made a submission that the writ petitioner was not within the zone of consideration and cut off marks. As the writ petitioner was not within the cut off marks for selection, he was not called for certificate verification.

4.In respect of the allegations raised in the Writ Petition, it is stated in the counter affidavit filed by the respondent that as per the directions of the Hon'ble High Court, the Board deleted two marks for the Question Nos.44 and 48 in "A" series. Owing to the revision, the written examination marks came down to 101 for the writ petitioner. Accordingly, the writ petitioner was not selected.

5.The facts regarding the award of marks are narrated in Paragraph Nos.4 to 6 of in the counter affidavit, which are extracted hereunder:-

"4.It is submitted that writ petitioner R.Behan was one among the candidates applied for the post of Post Graduate Assistant in Commerce. She appeared for the written competitive Examination held on 21.07.2013 and secured 103 marks. He belongs to Schedule Caste Community. Since she secured eligible cut off marks in the written examination in the Scheduled Caste communal turn, he was called for certificate verification on 23.10.2013. At the time of certificate verification she was awarded 2 marks as weightage for the period of wait in the Employment Exchange. Thus, the total marks secured by him is 105 marks.

5.It is submitted that the Board as per the direction of Hon'ble High Court deleted 2 marks for the Question Nos.44 and 48 in "A" series. Owing to the revision the written examination marks has comes to 101.



6.It is submitted that the petitioner could not call for 2nd certificate verification, as he was not within the cut off marks of selection."

6.In view of the fact that the writ petitioner was not within the cut off marks, the relief sought for in the present Writ Petition cannot be granted at this length of time. Accordingly, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /

Sub Assistant Registrar(CS-)

To

1.The Secretary to Government,
Higher Education Department,
St. George Fort, Chennai.

2.The Director,
Teachers Recruitment Board,
College Road, Chennai.

3.The Deputy Director,
Teachers Recruitment Board,
College Road, Chennai.

W.P (MD) No.1191 of 2014
04.07.2019

Myr

ES/22.07.2019/3P/4C