



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:05.07.2019

CORAM

THE HON'BLE MR.JUSTICE **S.M.SUBRAMANIAM**

W.P.(MD) No.12315 of 2014

and

M.P.(MD)No.1 of 2014

Perumal

... Petitioner

-vs-

1.The Secretary to Government of Tamil Nadu,
Department of School Education,
Chennai.

2.The Teachers Recruitment Board,
Rep. By its Member Secretary,
E.V.K.Sampath Maligai,
College Road, Chennai-600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to award seven marks in the Teachers Eligibility Test held on 18.8.2013 in pursuant to the communication sent by the Public information officer of the 2nd respondent and further declare the petitioner as successful candidate in TET examination 2013 and to appoint the petitioner as Graduate Teacher (Science) .

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.VR.Shanmuganathan
Special Government Pleader

ORDER

The very same writ petitioner earlier filed W.P.(MD)No.18578 of 2013 with a prayer as extracted hereunder:-

"Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a writ of Certiorarified Mandamus calling for the records relating to the proceedings of the 2nd respondent Nil dated 05.11.2013 for the petitioner in Roll No.13TE 08200073 and quash the same and consequently direct the respondents to award 7 marks to the petitioner for O.Nos.12,25,35,69,111,120,140 in C Series of the Question for the Teachers Eligibility Test held on 18.08.2013 and further declare the petitioner as successful candidate in the TET Examination, 2013, for the paper II held on 18.08.2013."

2.The said writ petition was considered along with the batch of writ petitions and this Court rejected the contentions of the writ petitioners and dismissed the said writ petition.

3.The very same writ petitioner Mr.Perumal, once again filed the present writ petition slightly modifying the prayer by stating that 7 marks ought to be awarded in the Teachers Eligible Test held on 18.08.2013. Such filing of writ petition in such a clever manner can never be tolerated by the High Court. Though it is a fit case for imposing exemplary costs, this Court taking into consideration that the writ petitioner is unemployed, rejecting the writ petition with a warning that the writ petitioner should not indulge in such activities by filing repeated writ petition with reference to the same cause of action and the same prayer.

4. In view of the fact that the relief sought for in the particular writ petition was already adjudicated with reference to the very same writ petitioner in W.P.(MD)No.18578 of 2013, no further consideration is required in the present writ petition.

5.Accordingly, the Writ Petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to Government of Tamil Nadu,
Department of School Education,
Chennai.

2.The Member Secretary,
Teachers Recruitment Board,
E.V.K.Sampath Maligai,
College Road, Chennai-600 006.

+1 CC to Mr.V.SASI KUMAR, Advocate SR-74208.

W.P. (MD) No.12315 of 2014
and
M.P. (MD) No.1 of 2014
05.07.2019