



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

WEB COPY

W.P. (MD) Nos.14885 to 14888 of 2019

and

W.M.P. (MD)Nos.11386 to 11393 of 2019

S.Senthilmurugan	...	Petitioner in W.P.(MD)No.14885 of 2019
R.Selvi	...	Petitioner in W.P.(MD)No.14886 of 2019
R.Naveetha	...	Petitioner in W.P.(MD)No.14887 of 2019
R.Ramesh	...	Petitioner in W.P.(MD)No.14888 of 2019

-Vs-

1.Teachers Recruitment Board,
Represented by the Chairman,
4th 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, Bangaluru-560 072.

... Respondents
in all Writ Petitions

COMMON PRAYER: Writ Petitions filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondent No.1 to cancel the examinations conducted on 23.06.2019 as well as the re-exam on 27.06.2019 and conduct re-exam to all the candidates in 119 centres for the Direct Recruitment of Computer Instructors Grade-I (Post Graduate Cadre) based on notification dated 01.03.2019 as Online Computer Based Examination.

For Petitioner	:	Mr.S.Lenin Prabhu (in all Writ Petitions)
For R1 and R2 (in all Writ Petitions)	:	Mr.V.R.Shanmuganathan, Special Government Pleader.
For R3 (in all Writ Petitions)	:	Mrs.S.Srimathy, Special Government Pleader.



COMMON ORDER

These Writ Petitions have been filed for a direction directing the first respondent to cancel the examinations conducted on 23.06.2019 as well as the re-exam on 27.06.2019 and conduct re-exam to all the candidates in 119 centres for the Direct Recruitment of Computer Instructors Grade-I (Post Graduate Cadre) based on notification dated 01.03.2019 as Online Computer Based Examination.

2. According to the petitioners, they have applied by Online mode for the post of Computer Instructors Grade-I (Post Graduate Cadre). The petitioners have attended the examination on 23.06.2019 at St. Mariam Polytechnic College, Tenkasi, Tirunelveli Main Road, Alangulam, Cape Institute of Technology, Levengipuram, Tirunelveli, Kongu Nadu Engineering & Technology, Thottiam, Trichy and M.Kumarasamy College of Engineering, Thavalapalayam, Karur respectively, and their Roll Numbers are 19PGC13400912, 19PGC13400044, 19PGC14509460 and 19PGC11900092 respectively, and TRBPGC4174517, TRBPGC3446552, TRBPGC1251683 and TRBPGC0727791 are their respective Registration Numbers. The writ petitioners have appeared on the aforesaid examination and were allowed to appear the examination.

3. According to the petitioners, 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 petitioners 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 were shared to all. In some centres, candidates were allowed to use the mobile phone and bag in the examination hall.

4. According to the petitioners, 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 petitioners, the said malpractices, time variation, technical problem went on, on many exam centres, but the TRB has announced only three centres as re-examination centres. Therefore, the writ petitioners have made representations on various dates to re-conduct the examination for all the candidates, who appeared for the examination. But, the respondents have not taken any decision. Hence, the writ petitioners have filed the present Writ Petitions.

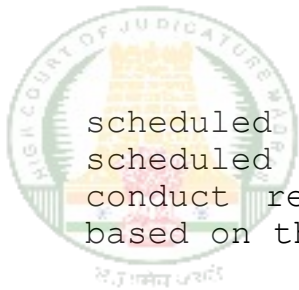
6. The learned Special Government Pleader appearing for the respondents 1 and 2 would submit that the writ petitioners have attended the examination on 23.06.2019 at St. Mariam Polytechnic College, Tenkasi, Tirunelveli Main Road, Alangulam, Cape Institute of Technology, Levengipuram, Tirunelveli, Kongu Nadu Engineering & Technology, Thottiam, Trichy and M.Kumarasamy College of Engineering, Thavalapalayam, Karur respectively, and if the writ petitioners are having any grievance, they ought to have made a complaint before the first respondent Board immediately or the next day. But, the writ petitioners have not given any such complaint till 25.06.2019.

7. Heard Mr.S.Lenin Kumar, learned counsel appearing on behalf of the writ petitioners, Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing on behalf of the respondents 1 and 2 and Mrs.S.Srimathy, learned Special Government Pleader appearing on behalf of the third respondent.

8. The grievance of the petitioners 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.

9. Without making any specific allegation on the particular centre and making allegations on all the centres concerned, the petitioners cannot seek such kind of relief i.e., to conduct re-examination in the above centre. If the petitioners make 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 petitioners to make a complaint before the first respondent Board by pointing out specific allegations or defects in the aforesaid centre. Therefore, the present Writ Petitions cannot be entertained.

10. Further, the learned Special Government pleader appearing for the respondents 1 and 2 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 re-examination 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.

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

12. 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 petitioners are directed to make a complaint before the first respondent Board today itself i.e., on 04.09.2019.

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 04.09.2019 and the above said decision has to be communicated to the petitioners.

13. With the above directions, these Writ Petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CO)

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Sub Assistant Registrar

To

1. The Chairman,
Teachers Recruitment Board,
4th 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,
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3. The Regional Director,
National Council of Teacher Education (NCTE),
Jnanabharathi Campus Main Road,
Nagarbhavi, Bangaluru-560 072.



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+4 CC to M/s.S. LENINPRABU, Advocate (SR-85081[F] dated
04/09/2019)

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04.09.2019

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JM/05.09.2019/5P/8C