



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.11.2019

CORAM :

THE HONOURABLE **MS.JUSTICE V.M.VELUMANI**

W.P(MD)No.24320 of 2019

and

W.M.P(MD).No.20931 and 20932 of 2019

S.Premalatha

... Petitioner

Vs.

1.The Government of Tamilnadu
Through its Secretary and Commissioner
Department of Higher Education
Fort St.George
Chennai 9

2.The Director of Higher Education
DPI Complex, Nungambakkam
Chennai

3.The Teachers Recruitment Board
DPI Complex, Chennai

4.The District Educational Officer
Thoothukudi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the results of the examination conducted by the 3rd respondent to recruit P.G. Assistant (Economics) for the year 2018-2019 vide Notification No.10/2019 dated 12.06.2019 and quash the same in so far as it relates to the petitioner and further direct the respondents to correctly value the petitioner's answer sheets for roll no.103300817 and recruit as PG Assistant (Economics) for the recruitment year 2018-2019 .

For Petitioner : Mr.T.S.R.Venkataramana

For Respondents : Mr.V.R.Shanmuganathan
Special Government Pleader



ORDER

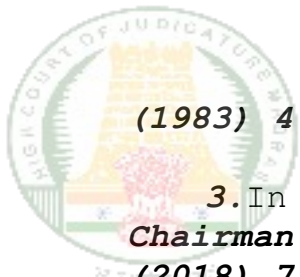
The petition has been filed seeking a direction to the respondents to award marks in the online examination conducted by the Teachers Recruitment Board on 27.09.2019 and further direction to the respondents to consider the petitioner candidature for appointment to the post of P.G. Assistant (Economics).

2.The petitioner participated in the selection process conducted by the Teachers Recruitment Board for appointment to the post of P.G.Assistant (Economics). The selection was conducted through on-line examination by objective type questions for 150 marks. The minimum marks for being considered for appointment for Scheduled Caste and Scheduled Tribes is 68 marks and for others is 75 marks. The Teachers Recruitment Board published the key answer on 03.10.2019. The petitioner found that in number of questions, wrong key answers are given. The answers given by the petitioner is correct as per standard books in the relevant subjects. The petitioner is entitled to marks for the said questions and if such marks are awarded to the petitioner, she will be eligible for being considered for appointment to the post of P.G.Assistant. The Teachers Recruitment Board has not selected the candidates for entire vacancies published by them and still there are some vacancies. Under such circumstances, the petitioner has come up with these writ petition for the relief stated above.

3.Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents, contended that the notification was issued on 12.06.2019, fixing the last date for submitting the applications on 15.07.2019 and written examination was conducted on 27.09.2019. The Teachers Recruitment Board published the tentative key answer on 03.10.2019, inviting objections on or before 07.10.2019. The Teachers Recruitment Board received 11,000 objections from the candidates. The Teachers Recruitment Board constituted an Expert Committee to consider the objections received from the various candidates. The Expert Committee scrutinized all the objections received on 21.10.2019, after following the procedure, without any discrimination. Some of the petitioners have given objections within the time stipulated by the Teachers Recruitment Board. The Special Government Pleader further contended that the key answer to the questions were prepared in consultation with the expert and also considered the objections during that time. This Court cannot interfere with the key answer given by the expert. In support of his contention, he relied on the following Judgements:

"1.In *Ran Vijay Singh and others Vs.State of Uttar Pradesh and others* reported in 2018 2 SCC 357;

2.In *Kanpur University and others Vs.Samir Gupta and others* reported in AIR 1983 SC 1230 : (1983) 2 SCALE 89 :



(1983) 4 SCC 309 : (1984) 1 SCR 73;

3. In *Uttar Pradesh Public Service Commission through its Chairman and another Vs. Rahul Singh and another* reported in (2018) 7 SCC 254;

4. In *A.Arthi Vs. The Tamil Nadu Public Service Commission* in W.P.Nos. 19276 and 19281 of 2018."

4. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5. From the materials on record and rival submissions of the parties, it is clear that there are disputes with regard to correctness of the key answer given by the Teachers Recruitment Board. According to the petitioner, the key answer to the questions mentioned are wrong as per standard books published in the relevant subjects. The said contentions are disputed by the learned Special Government Pleader. This Court cannot decide the disputed question of facts in the Writ proceedings, especially, the key answers are prepared by the expert in relevant subjects. At the same time, the petitioner must be given an opportunity to substantiate her case so that, in the event of her succeeding, she will become eligible for appointment.

6. For the above reason, the Teachers Recruitment Board is directed to constitute an Expert Committee in the subject, which is under challenge in the present Writ petition on or before 18.11.2019 as directed by this Court in W.P(MD).No.23238 of 2019 etc., batch, dated 14.11.2019, consisting the members, who are not in the earlier committee. The petitioner is directed to submit her objections on or before 21.11.2019 along with materials, which she relied on in respect of her claims that the key answers are not correct. On receiving such objections, the Expert Committee is directed to consider the objections and take a decision on or before 28.11.2019.

7. With the above directions, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar(CS)



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