



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.11.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD) No.24316 of 2019

R.Punitha

... Petitioner

-Vs-

1.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
College Road, Chennai-600 006.

2.The Secretary to Government,
Government of Tamil Nadu,
Higher Education Department,
Fort St. George, Secretariat, Chennai.

3.The Director of School Education,
DPI Campus, College Road,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to award marks to the petitioner (Roll.No.19PG102802503) in respect of the questions numbers 4, 11, 23, 28, 42, 48, 65, 88, 102, 103, 132, 137, 142 and 146 in the online examination conducted by the first respondent on 27.09.2019 and also directing the respondents to consider the petitioner's candidature for appointment to the post of P.G. Assistant (Economics), within the time limit fixed by this Court.

For Petitioner : Ms.D.Rukmani

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

ORDER

This Writ Petition is filed to direct the respondents to award marks to the petitioner (Roll.No.19PG102802503) in respect of the questions numbers 4, 11, 23, 28, 42, 48, 65, 88, 102, 103, 132, 137, 142 and 146 in the online examination conducted by the first respondent on 27.09.2019 and also directing the respondents to



consider the petitioner's candidature for appointment to the post of P.G. Assistant (Economics), within the time limit fixed by this Court.

2.Mr.V.R.Shanmuganathan, learned Special Government Pleader takes notice on behalf of the respondents. By consent of both parties, these Writ Petitions are taken up for final disposal at the stage of admission itself.

3.The petitioner has participated in the selection process conducted by the Teachers Recruitment Board for appointment to the post of P.G. Assistant in 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 60 marks respectively and for others is 75 marks. The Teachers Recruitment Board has published the answer key on 03.10.2019. The petitioner found that in number of questions, wrong key answers are given. The answers given by the petitioner are 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 out with the present Writ Petition for the relief stated above.

4.The learned Special Government Pleader appearing for the respondents contended that the notification was issued on 16.06.2019, 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 has scrutinized all the objections received on 21.10.2019, after following the procedure, without any discrimination. The petitioner has given objections, within the time stipulated by the Teachers Recruitment Board. The Government Advocate has 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;

<https://hcservices.ecourts.gov.in/hcservices/>



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."**

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

6. From the materials on record and the 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 are wrong as per standard books published in the relevant subjects. The said contentions are disputed by the learned Government Advocate. 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.

7. 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)Nos.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 claim 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.

8. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
College Road, Chennai-600 006.

2.The Secretary to Government,
Government of Tamil Nadu,
Higher Education Department,
Fort St. George, Secretariat, Chennai.

3.The Director of School Education,
DPI Campus, College Road,
Chennai.

+1 CC to M/s.RUKMANI, Advocate (SR-99223[F] dated 18/11/2019)

W.P. (MD) No.24316 of 2019
18.11.2019

JMN(19.11.2019) 4P : 5C