



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 19.11.2019

CORAM :

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

W.P(MD)Nos.24464, 24459, 24469, 24470 and 24471 of 2019
and

W.M.P(MD).No.21092, 21094, 21089, 21090, 21095, 21096, 21097, 21098,
21099 and 21100 of 2019

1.M.Murugan	... Petitioner in W.P.(MD).No.24464 of 2019
2.V.Bharathiraj	... Petitioner in W.P.(MD).No.24459 of 2019
3.V.Rajapandi	... Petitioner in W.P.(MD).No.24469 of 2019
4.C.Prabhu	... Petitioner in W.P.(MD).No.24470 of 2019
5.N.Saraswathi	... Petitioner in W.P.(MD).No.24471 of 2019

Vs.

1.The Teachers Recruitment Board
Represented by its Chairman
4th Floor, EVK Sampath Maaligai
DPI Compound
College Road, Chennai 6

2.The Director of School Education
DPI Campus, Chennai - 06

....Respondents
in all the Writ petitions

W.P(MD).No.24464 of 2019: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration to declare the framing of wrong answer key in respect of the Direct Recruitment to the post of Post Graduate Assistants in Economics subject as illegal and consequently for a direction, directing the respondent no.1 to award 6 marks for the question nos. 12,77, 79, 96, 98 and 102 and select and appoint the petitioner in the post of post graduate assistant in economics within the time period stipulated by this Court.

W.P(MD).No.24459 of 2019: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration to declare the framing of wrong answer key in respect of the Direct Recruitment to the post of Post Graduate Assistants in Economics subject as illegal and consequently for a direction, directing the respondent no.1 to award 12 marks for the question nos. 3,8,12,20, 29, 36, 43, 76, 79, 96, 98, 102 and select and appoint the petitioner in the



post of post graduate assistant in economics within the time period stipulated by this Court.

W.P(MD).No.24469 of 2019: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration to declare the framing of wrong answer key in respect of the Direct Recruitment to the post of Post Graduate Assistants in Economics subject as illegal and consequently for a direction, directing the respondent no.1 to award 14 marks for the question nos. 3,8,12,20,22,29, 36, 43, 66, 76, 77, 79, 98 and 102 and select and appoint the petitioner in the post of post graduate assistant in economics within the time period stipulated by this Court.

W.P(MD).No.24470 of 2019: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration to declare the framing of wrong answer key in respect of the Direct Recruitment to the post of Post Graduate Assistants in Economics subject as illegal and consequently for a direction, directing the respondent no.1 to award 7 marks for the question nos. 8,12,29,36,43,98, 102 and select and appoint the petitioner in the post of post graduate assistant in economics within the time period stipulated by this Court.

W.P(MD).No.24471 of 2019: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Declaration to declare the framing of wrong answer key in respect of the Direct Recruitment to the post of Post Graduate Assistants in Economics subject as illegal and consequently for a direction, directing the respondent no.1 to award 12 marks for the question nos.8,12,29, 34, 36, 51, 76, 79, 95, 96, 98 and 102 and select and appoint the petitioner in the post of post graduate assistant in economics within the time period stipulated by this Court.

In all the Writ petitions

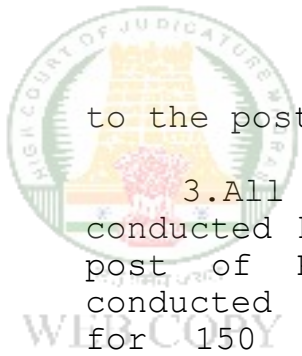
For Petitioner : Mr.T.Lajapathi Roy

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

COMMON ORDER

Since the issues involved in these Writ Petitions are one and the same, these Writ Petitions are heard together and disposed of by way of this common order.

2.These petitions have been filed seeking a direction to the respondents to award marks in the online examination conducted by the first respondent on 27.09.2019 and further direction to the respondents to consider the petitioners candidature for appointment



to the post of P.G. Assistant in Economic subject.

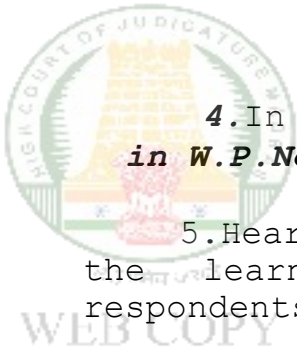
3.All the petitioners participated in the selection process conducted by the Teachers Recruitment Board for appointment to the post of P.G.Assistant in Economic subject. The selection was conducted through on-line examination by objective type questions for 150 marks. The minimum marks for being considered 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 petitioners found that in number of questions, wrong key answers are given. The answers given by the petitioners are correct as per standard books in the relevant subjects. The petitioners are entitled to marks for the said questions and if such marks are awarded to the petitioners, they 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 petitioners have come up with these writ petitions for the relief stated above.

4.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."**

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

6.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 petitioners, 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 petitioners must be given an opportunity to substantiate their case so that, in the event of their succeeding, they will become eligible for appointment.

7.For the above reason, the Teachers Recruitment Board is directed to constitute an Expert Committee in the subjects, which are under challenge in the present Writ petitions 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 petitioners are directed to submit their objections on or before 21.11.2019 along with materials, which they relied on in respect of their 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.

8.With the above directions, all the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

msa



To

1.The Chairman,
Teachers Recruitment Board
4th Floor, EVK Sampath Maaligai
DPI Compound
College Road, Chennai 6

2.The Director of School Education
DPI Campus, Chennai - 06

+5cc to Mr.T.Lajapathi Roy, Advocate, SR.No.99526 to 99530

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and

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