

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.32401 of 2013

And

M.P.Nos.1 and 2 of 2013

N.Kannan

...Petitioner

Vs.

1. Teachers Recruitment Board
Rep. by its Chairman,
College Road, Nungambakkam,
Chennai - 600 006.

2. The Member Secretary,
Teachers Recruitment Board,
College Road, Nungambakkam,
Chennai - 600 006.

3. The Controller of Examination,
Teachers Recruitment Board,
College Road, Nungambakkam,
Chennai - 600 006.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent Teachers Recruitment Board to give to the petitioner marks for Question Nos.27, 45, 61, 73, 74, 77, 83, 102, 108, 111, 134 and 140 in the B set Question paper as the final key answers published along with the final results are wrong and declare the petitioner successful teacher in the TRB examination which was held on 21.07.2013 for the post of Post Graduate Assistants/ Physical Educations Director Grade I as per notification on 2012 - 2013.

For Petitioner : No Appearance

For Respondents : Mr.C.Munusamy
Special Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the first respondent Teachers Recruitment Board to give to the petitioner marks for Question Nos.27, 45, 61, 73, 74, 77, 83, 102, 108, 111, 134 and 140 in the B set Question paper as the final key answers published along with the final results are wrong and declare the petitioner successful teacher in the TRB examination which was held on 21.07.2013 for the post of Post Graduate Assistants/ Physical Educations Director Grade I as per notification on 2012 - 2013.

2.It is the case of the petitioner that he is a post-graduate and passed B.Ed. The petitioner appeared for the examination for the post of Post Graduate Assistants/ Physical Educations Director Grade I conducted by the first respondent on 21.07.2013. Though on valuation the petitioner was awarded with 98 marks, however, he was not awarded marks for the correct answers, thereby, his percentage has fallen short by 4 marks. In this regard, the petitioner submitted representation to the respondents, which has not evoked any response and, therefore, the present petition has been filed for the relief supra.

3.The learned counsel appearing for the petitioner is absent. This Court heard the arguments advanced by the learned Special Government Pleader and perused the materials available on record.

4. A perusal of the materials available on record reveal that the selection had taken place in the year 2013. However, no interim order has been granted by this Court reserving any post to be kept vacant. Though it is the submission of the petitioner that the answers given by him is right for which marks has not been awarded, it is to be pointed out that the issue is a technical issue, which has to be gone into by the concerned authorities at the relevant point of time. After a lapse of seven years, when all the posts have been filled up and no post is kept vacant and no interim order has been granted by this Court reserving any post to be kept vacant, at this distant point of time, after a lapse of seven years, it would not be justifiable for this Court to reopen the selection and render a verdict. The expert opinion as to the answers given in the key answer book cannot be substituted with a judicial opinion as it is within the realm of experts to decide on the answers. Trying to undo a particular selection at this distant point of time would not be in the interest of the persons, who had already been appointed and who have been functioning till date.

5.In such view of the matter, this Court is of the considered opinion that the points canvassed by the petitioner

at this length of time cannot be gone into and, accordingly, the writ petition fails and the same is dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Chairman,
Teachers Recruitment Board,
College Road, Nungambakkam,
Chennai - 600 006.
2. The Member Secretary,
Teachers Recruitment Board,
College Road, Nungambakkam,
Chennai - 600 006.
3. The Controller of Examination,
Teachers Recruitment Board,
College Road, Nungambakkam,
Chennai - 600 006.

+1cc to the Government Pleader, S.R.No.35038

W.P.No.32401 of 2013

And

M.P.Nos.1 and 2 of 2013

MP (CO)
RV (04/01/2021)

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