

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 12.10.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.32667 OF 2013

AND

M.P.NOS.1 & 2 OF 2013

K.Hariharan

.. Petitioner

- Vs -

1. The Government of Tamil Nadu
rep. By Secretary to Government
School Education Department
Fort St. George,
Chennai 600 009.
2. The Teachers Recruitment Board
rep. By its Chairman
College Road, Nungambakkam
Chennai 600 006.
3. The Director of Elementary Education
College Road,
Nungambakkam
Chennai 600 006.

.. Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents 2 and 3 herein to award 3 more marks and declare that the petitioner scored 60% marks and passed Paper-I in TNTET-2013 for the post of Secondary Grade Teacher and issue pass certificate after certificate verification besides directing the respondents to consider the petitioner for being appointed as Secondary Grade Teacher in the existing/future vacancies.

For Petitioner : Mr.P.Mani

For Respondents: Mr.C.Munusamy, Spl. GP for R-2
Mr.S.Suresh Kumar for RR-1 & 3

ORDER

It is the case of the petitioner that he is a post-graduate and passed B.Ed. As well as Diploma in Teacher Education. The petitioner appeared for Tamil Nadu Teacher Eligibility Test (TNTET-2013) for the post of Secondary Grade Teacher conducted by the 2nd respondent on 17.8.2013. Though on valuation the petitioner was awarded with 89 marks, however, he was not awarded marks for the correct answers for which he would have got three marks, thereby, his percentage has fallen short of the requisite 60%. 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.

2. Learned counsel appearing for the petitioner submits that though correct answers have been given by the petitioner, however, the answers given in the key answer book is wrong and, thereby, the petitioner has been deprived of three marks. Therefore, he prays for appropriate direction to the respondents to grant the marks and to consider his candidature for selection and appointment.

3. On the above contentions, this Court heard the learned Special Government Pleader appearing for the 2nd respondent and the learned Government Advocate appearing for respondents 1 and 3 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 orders were granted in favour of the petitioner, 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. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Secretary to Government
School Education Department
Government of Tamil Nadu
Fort St. George, Chennai 600 009.
2. The Chairman
Teachers Recruitment Board
College Road, Nungambakkam
Chennai 600 006.
3. The Director of Elementary Education
College Road, Nungambakkam
Chennai 600 006.

+1cc to Mr.P.Mani, Advocate, S.R.No.33923

+1cc to the Government Pleader, S.R.No.33873

W.P.NO.32667 OF 2013

LN(CO)
CS/10/11/2020

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