

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 12.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 32720 OF 2013

AND

M.P. NOS. 1 & 2 OF 2013

T.Anusuya

..Petitioner

- Vs -

The Chairman

Teachers Recruitment Board

4th Floor, EVK Sampath Maaligai

CPI Compound, College Road

Nungambakkam, Chennai 600 006.

..Respondent

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondent to award 2 marks in Paper-OI Set-B to the petitioner in Tamil Nadu Teacher's Eligibility Test for the post of Direct Recruitment of Secondary Grade Assistant in Government Schools 2012-2013.

For Petitioner : Mr. S.Arokia Maniraj

For Respondents: Mr. C.Munusamy, Spl. GP

ORDER

It is the case of the petitioner that she appeared for Tamil Nadu Teacher Eligibility Test (TNTET-2013) for the post of Secondary Grade Teacher conducted by the 2nd respondent. Though on valuation the petitioner was awarded with 89 marks, however, she was not awarded marks for the correct answers for which she would have got two more marks, thereby, her 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 two 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 respondent 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 her 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

//True Copy//

Sub Assistant Registrar

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

+1cc to the Government Pleader, S.R.No.33874

W.P. NO. 32720 OF 2013

RSV(CO)
RV(10/11/2020)