

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.10.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.32808 OF 2013

N.Shanmugam

... Petitioner

vs.

1. State of Tamil Nadu,
rep. by Secretary to Government,
Department of School Education,
Fort St. George,
Chennai 600 009.

2. Teachers Recruitment Board,
rep. by its Member Secretary,
4th Floor, EVK Sampath Maligai,
College Road,
Chennai 600 006.

... Respondents

Prayer:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the Respondents to award 3 more marks for the Questions 19 in Part A, 64 & 70 in Part III Paper conducted on 12.07.2012 in Teachers Recruitment Test and consequently direct the Respondents to select for employment as a Teacher.

For Petitioner : Mrs.Selvi George

For 1st Respondent : Mr.S.Suresh Kumar,
Government Advocate

For 2nd Respondent : Mr.C.Munusamy,
Special Government Pleader

ORDER

Petitioner has come up with the above Writ Petition seeking a direction to the Respondents to award 3 more marks for

Question No.19 in Part A and Question Nos.64 and 70 in Part III Paper of the Teachers Recruitment Test conducted on 12.07.2012, and for a consequential direction to the Respondents to select him for employment as a Teacher.

2. According to the Petitioner, he passed B.Sc. B.Ed. and belongs to Scheduled Caste. The Petitioner appeared for Tamil Nadu Teachers Eligibility Test (TNTET-2012) for the post of Teacher, conducted by the 2nd Respondent on 12.07.2012. It is his case that, though on valuation, he was awarded with 89 marks, 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 Writ Petition has been filed for the above relief.

3. Learned counsel for the Petitioner submitted that, though correct answers have been given by the Petitioner, as the answers given in the Key Answer Book are wrong, the Petitioner has been deprived of three marks. Therefore, he prays for appropriate direction to the Respondents to grant three more marks and to consider his candidature for selection and appointment.

4. On the above contentions, this Court heard the learned Government Advocate appearing for the 1st Respondent and the learned Special Government Pleader appearing for the 2nd respondent, and perused the materials available on record.

5. A perusal of the materials available on record reveals that, the selection had taken place in the year 2012. 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 are right, for which marks have not been awarded, it is to be pointed out that, the issue is a technical issue, which ought to have been gone into by the Authorities concerned 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, 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.

6. 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.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

(aeb)

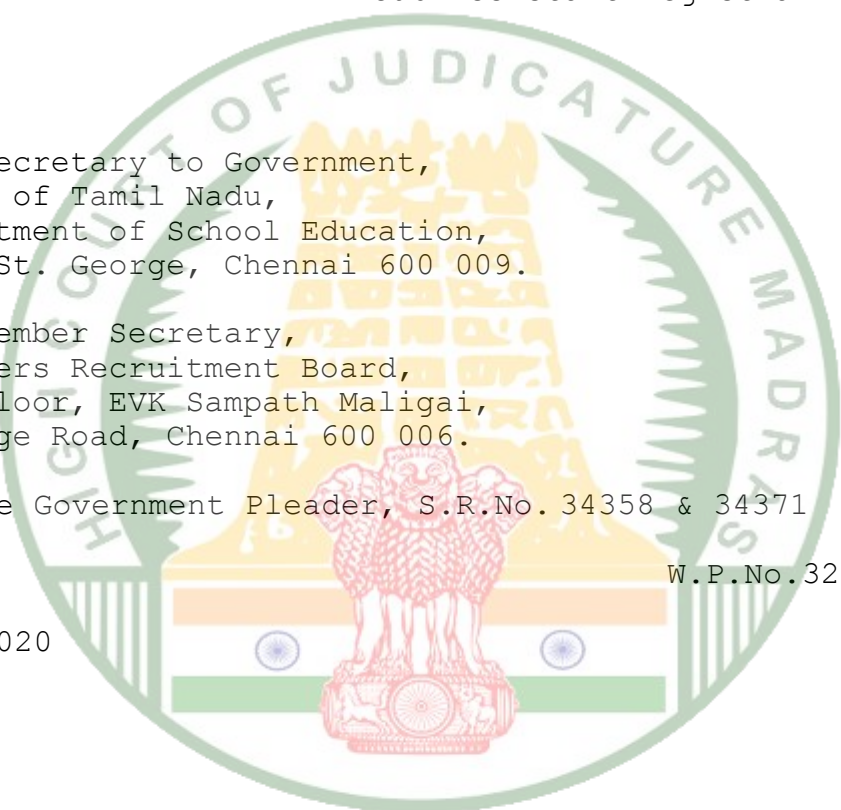
To:

1. The Secretary to Government,
State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai 600 009.
2. The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
College Road, Chennai 600 006.

+1cc to the Government Pleader, S.R.No. 34358 & 34371

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SVI (CO)
CS/03/12/2020



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