

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 23.07.2020
CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33003 of 2013
And
M.P.No.1 of 2013

Mrs.I.Sulochana

... Petitioner

Vs.

1.The Secretary to Government,
Education Department,
Fort St.George,
Chennai - 9.

2.The Director of School Education,
College Road, Chennai - 600 006.

3.The Chairman/ Member - Secretary,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maaligai,
DPI Compound, College Road,
Chennai - 600 006.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 3rd respondent to award full marks with reference to the above mentioned question Nos.9, 18, 25 & 115 in the booklet series-A to the petitioner and to conduct certificate verification and consequently issued the TET certificate to enable the petitioner to get the employment either in the Government School or aided school.

For Petitioner : M/s.S.Makesh

For Respondent : Mr.S.Suresh Kumar

Government Advocate

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Mandamus directing the third respondent to award full marks with reference to question Nos.9, 18, 25 and 115 in the booklet series-A to the petitioner and to conduct certificate verification and to consequently issue the TET certificate to enable the petitioner to get employment either in Government School or in Aided School.

2.The case of the petitioner is that the petitioner underwent TET examination conducted by the third respondent on 18.08.2013 and was issued with a question paper bearing Serial No.'A'. According to the petitioner, the respondents failed to award marks for four questions for which the petitioner choose correct answers and the respondents gave marks for wrong answers. The grievance of the petitioner is that if she had been awarded marks for the said questions, she would have been called for certificate verification. In this regard, the petitioner made representation to the respondents and since there was no response, came forward to file this writ petition.

3.Heard the arguments advanced on either side and perused the materials available on record.

4.It is useful to extract hereunder paragraph nos.8, 9 and 10 of the counter affidavit filed on behalf of the third respondent:

"8.It is submitted that the Hon'ble Madurai Bench of Madras High Court decided the matter and accordingly directed the Board to modify the key answers including the disputed questions raised by the petitioner as follows:-

S. No.	Question No.	Question Booklet series	Decided in High Court order
1	9	'A'	W.P. (MD) No.18223 of 2013 W.P. (MD) No.18225 of 2013
2	18	'A'	W.P. (MD) No.18334 of 2013
3	25	'A'	W.P. (MD) No.18393 of 2013
4	89	'A'	W.P. (MD) No.18394 of 2013
5	115	'A'	W.P. (MD) No.18499 of 2013

It is submitted for Q.No.86 the Board finalized the key answer based on the opinion of subject experts as follows:-

Question No.86: Collection food for cattle is known as:-

- A) grazing
- B) foraging
- C) Fostering
- D) foraying

Q.No.86

Scrutiny Team Views for accepting / Rejecting of candidate's representation.	Foraging means collecting fold for cattle. Candidate's option 'A' is wrong 'A' grazing means eating grass. Hence it is rejected.
Evidence	Cambridge International Dictionary of English Page No.547

9.It is submitted that from the above mentioned facts it is evident that the Board has framed questions only from the syllabus and there is no deviation from the syllabus as averred by the petitioner.

10.It is submitted that the Board pursuant to orders of Hon'ble High Court finalized the key answers after duly effecting the modifications as directed by the Court and published the results issued."

5.From a perusal of the counter affidavit filed on behalf of the third respondent, it is clear that the Madurai Bench of this Court has already decided the very same issue. Further, this Court has not granted any interim order in this matter till date. In the absence of any interim order, I find that nothing would survive for adjudication in this writ petition.

6.This writ petition is accordingly dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Education Department,
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Chennai - 9.

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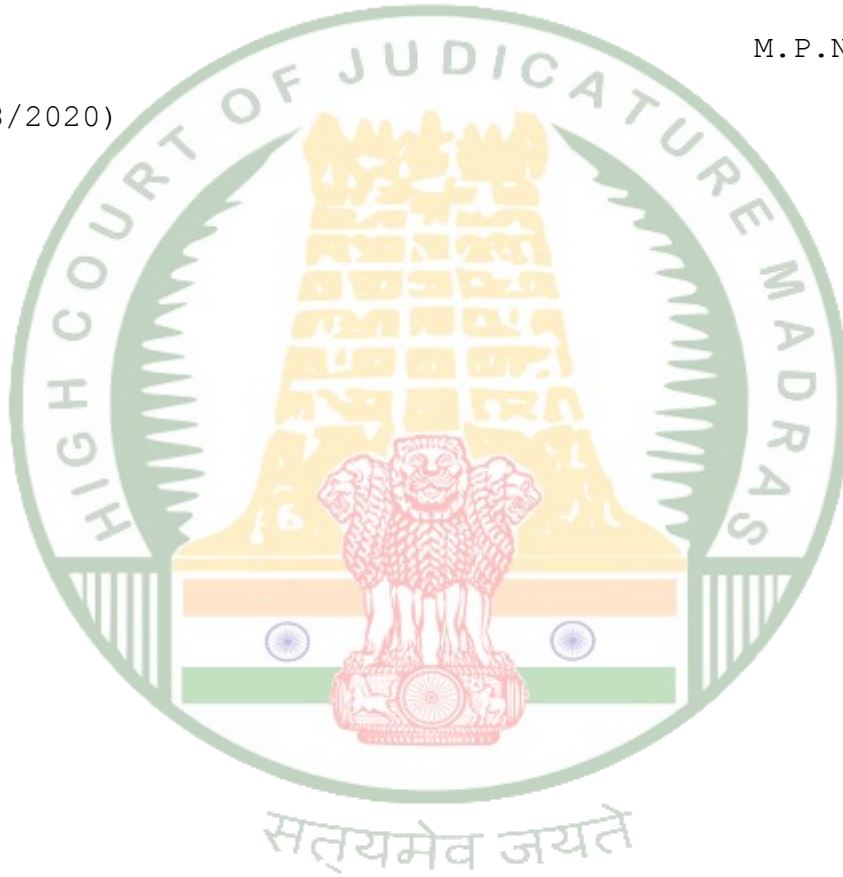
+1 cc to Government Pleader Sr.No. 25185

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A.SK(07/08/2020)



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