

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.523, 464, 465 and 524 of 2014

And

M.P.Nos.1 to 1 of 2014

K.Palani	...	Petitioner in W.P.523/2014
V.Saravanan	...	Petitioner in W.P.464/2014
L.Kalaimani	...	Petitioner in W.P.465/2014
P.Suganthi	...	Petitioner in W.P.524/2014

Vs.

- 1.State of Tamil Nadu, rep. by its
Secretary to Government,
School Education Department,
Secretariat,
Chennai - 600 009.
 - 2.The Chairman,
Teachers Recruitment Board,
Chennai - 600 006.
 - 3.The Director of School Education,
Chennai - 600 006.
- ... Respondents in all W.Ps

Prayer in W.P.No.523 of 2014:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to evaluate the petitioner's answer sheet bearing Regn.No.13PG25011097 and award 18 marks to the petitioner in respect of question Nos.18, 20, 22, 23, 43, 44, 49, 85, 92, 93, 94, 100, 101, 111, 115, 117, 145 and 149 and appoint the petitioner as P.G.Assistant (Tamil).

Prayer in W.P.No.464 of 2014:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to evaluate the petitioner's answer sheet bearing Regn.No.13PG25011213 and award 11 marks to the petitioner in respect of question Nos.17, 70, 84, 104, 106, 117, 119, 122, 127, 128 and 141 and appoint the petitioner as P.G.Assistant (Tamil).

Prayer in W.P.No.465 of 2014:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to evaluate the petitioner's answer sheet bearing Regn.No.13PG25011243 and award 22 marks to the petitioner in respect of question Nos.17, 30, 44, 45, 50, 64, 70, 103, 104, 109, 110, 117, 119, 120, 122, 123, 124, 127, 128, 140, 141 and 144 and appoint the petitioner as P.G.Assistant (Tamil).

Prayer in W.P.No.524 of 2014:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to evaluate the petitioner's answer sheet bearing Regn.No.13PG25011240 and award 4 marks to the petitioner in respect of question Nos.20, 44, 100 and 149 and appoint the petitioner as P.G.Assistant (Tamil).

For Petitioners : Mr.P.Ganesan
For Respondents : Mr.S.Suresh Kumar for R1 and R3
Government Advocate
Mr.C.Munusamy for R2
Special Government Pleader

C O M M O N O R D E R

The petitioners have filed these writ petitions seeking issuance of Writ of Mandamus directing the respondents to evaluate their answer sheets and to award marks to them in respect of certain questions and to appoint the petitioners as P.G.Assistants (Tamil).

2.It is the case of the petitioners that they are fully qualified for being appointed as P.G.Assistants (Tamil). The petitioners appeared for the examination for the post of Post Graduate Assistants/ Physical Education Director Grade I in the Tamil Nadu Higher Secondary Educational Service. According to the petitioners, they were not awarded marks for certain correct answers, thereby, their percentage had fallen short. In this regard, the petitioners submitted representation to the Teachers Recruitment Board, which has not evoked any response and, therefore, the present petitions have been filed for the relief supra.

3.The learned counsel appearing for the petitioners submit that though correct answers have been given by the petitioners, however, the answers given in the key answer book is wrong and, thereby, the petitioners have been deprived of some marks.

Therefore, he prays for appropriate direction to the respondents to grant the marks and to consider the petitioners candidature for selection and appointment.

4. On the above contentions, this Court heard the learned Special Government Pleader appearing for the second respondent and the learned Government Advocate appearing for the respondents 1 and 3 and perused the materials available on record.

5. 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 petitioners that the answers given by them is right for which marks have 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 petitioners, 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.

6. In such view of the matter, this Court is of the considered opinion that the points canvassed by the petitioners at this length of time cannot be gone into and, accordingly, the writ petitions fail and the same are dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
School Education Department,
Secretariat,
Chennai - 600 009.

2.The Chairman,
Teachers Recruitment Board,
Chennai - 600 006.

3.The Director of School Education,
Chennai - 600 006.

+1cc to the Government Pleader, S.R.No.38891

+2cc to M/s.C.S.Associates, Advocate, S.R.No.38988 & 38988

W.P.Nos.523, 464, 465
and 524 of 2014

And
M.P.Nos.1 to 1 of 2014

PA (CO)
KKV/05/01/2021



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