



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.03.2020

CORAM:

THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P. (MD)No.14578 of 2012

and

M.P (MD)Nos.1 to 4 of 2012

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K.Selvi

... Petitioner

Vs.

1.Teachers Recruitment Board,
Rep. by its Chairman,
EVK Sampath Building,
College Road, Nungambakkam,
Chennai

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

3.The District Educational Officer,
Karur District, Karur.

... Respondents

PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the impugned Question and Key result issued for the Tamil Nadu Teacher Eligibility Test - Retest 2012 Paper - II (SS) (Series Code - B) by him in so far as the answer for the questions No.9, 10, 13, 16, 23, 40, 47, 58, 66, 114, 126 & 128 and quash the same and thereby allot the marks for the above said questions to the petitioner and consider her case for issuance of the Teacher Eligibility Test Certificate and appoint her to the post of B.T. Assistant (Tamil) within the time stipulated by this Court.

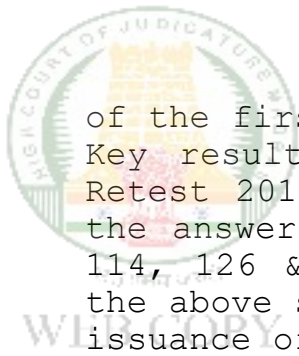
For Petitioner : Mr.S.P.Naveen Kumar
for Mr.G.Thalaimutharasu

For R - 1 : Mr.V.R.Shanmuganathan,
Special Government Pleader.

For RR 2 & 3 : Mr.J.Gunaseelan Muthiah,
Additional Government Pleader.

ORDER

The petitioner has filed the above Writ Petition to issue a Writ of Certiorarified Mandamus, to call for the records on the file
<https://hcservices.ecourts.gov.in/hcservices/>



of the first respondent in connection with the impugned Question and Key result issued for the Tamil Nadu Teacher Eligibility Test - Retest 2012 Paper - II (SS) (Series Code - B) by him in so far as the answer for the questions No.9, 10, 13, 16, 23, 40, 47, 58, 66, 114, 126 & 128 and quash the same and thereby allot the marks for the above said questions to the petitioner and consider her case for issuance of the Teacher Eligibility Test Certificate and appoint her to the post of B.T. Assistant (Tamil) within the time stipulated by this Court.

2.The learned counsel appearing for the petitioner submitted that the petitioner had completed M.A (Tamil), M.Phil, B.Ed and enrolled at Employment Exchange, Karur District. The first respondent has invited application from the eligible candidates to participate in the Tamil Nadu Teacher Eligibility Test for the year 2012 and she applied for the same. As per the prospectus issued by the first respondent, one has to undergo paper I for handling the classes I to V and insofar as paper II (SS) is concerned for classes VI to VIII and the subject code is 12TET01 and 12TET02 respectively.

3.The petitioner opted for the Paper-II (SS) to handle the classes VI to VIII and the duration for the paper-II (SS) is three hours consisting of 150 multiple choice questions were asked from four components namely Child Development and Pedagogy, Language-I (Tamil/Telegu/Malayalam/Kannada and urdu) Language-II (English compulsory and social studies. One has to secure 60% of marks out of 150 ie., one has to secure 90 marks. As 90% of the candidates were unsuccessful, re-test was conducted by giving a second chance and the petitioner also participated in the examination and she was in full confident that she will secure 60% of the marks, but she secured 88 marks. Hence the petitioner downloaded the key for the questions framed by the first respondent for the series code-B, the answers for question Nos.10, 13, 23, 58 and 128 were wrong and further the question Nos.66 and 114 have not been given answers and the question Nos.9, 16, 40, 47, 58 and 126 are out of syllabus.

4.Due to the mistake committed by the first respondent, the petitioner's legitimate right has been curtailed, hence, the petitioner approached the first respondent in person to rectify the lacunas. If the answer sheet of the petitioner and the key have been compared with the questions framed by the first respondent, by an independent authority, the truth will come to light in regard to the wrong answers given by the first respondent. Already the third respondent had completed the certificate verification for the successful candidates insofar as B.T Assistants (Tamil) are concerned, whose results were published by the first respondent and the names of the successful candidates in the certificate verification have been forwarded to the second respondent and the second respondent is going to issue the appointment order to the selected candidates. Hence, the petitioner has filed the Writ



5.The learned Special Government Pleader appearing for the first respondent submitted that similarly placed persons like that of the petitioner has filed a Writ Petition in W.P(MD)No.16108 of 2012 **(S.Deepa Vs. The Teachers Recruitment Board, Rep. by its Chairman, 4th Floor, E.V.K.Sampath Building, College Road, Chennai - 6)** and this Court by order dated 16.09.2014, dismissed the Writ Petition and prayed for dismissal of the Writ Petition.

6.When the matter came up for hearing on 19.11.2012, this Court ordered notice of motion and stated that in the meantime, if any appointment is made, that will only be subject to further orders to be passed in the Writ Petition and the persons appointed cannot claim equity.

7.As the learned counsel for the petitioner was not in a position to contact the petitioner, the learned Special Government Pleader appearing for the first respondent submitted that due to the confusions existing regarding the key answers, the concerned authority had given 5% of marks to the candidates.

8.In view of the above, this Court is of the view that there cannot be any further adjudication at this length of time regarding the key answers. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (CS-

/ True Copy /

Sub Assistant Registrar(CS-)

To

- 1.Teachers Recruitment Board,
Rep. by its Chairman,
EVK Sampath Building,
College Road,
Nungambakkam,
Chennai
- 2.The Director,
Directorate of School Education,
DPI Campus,
College Road,
Chennai - 600 006.



3.The District Educational Officer,
Karur District,
Karur.

+1CC to M/s.G.THALAIMUTHARASU, Advocate (SR-10613[F] dated 09/03/2020)

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Order made in
W.P. (MD) No.14578 of 2012 and
M.P (MD) Nos.1 to 4 of 2012

Dated:
06.03.2020

ME/SAR /19.03.2020/4P/5C