

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7383 of 2021

C.Senthilkumar

... Petitioner

-vs-

1. The Director of School Education,
Department of School Education,
DPI Campus, College Road,
Chennai - 600 006.

2. Teachers Recruitment Board,
Represented by the Chairman,
4th Floor, EVK Smpath Maligai,
College Road,
Chennai - 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the 2nd respondent to allot one additional mark to the petitioner to question No.106 in the subject Botany for the post of PG Assistant in Botany pursuant to Notification issued by the 2nd respondent in Notification No.10/2019, dated 12.06.2019.

For Petitioner : Mrs.Nalini Chidambaram,
Senior Counsel for
Mrs.C.Uma

For Respondents: Mr.P.Raja,
Government Advocate

O R D E R

This Writ petition is filed, seeking a direction to the 2nd respondent to allot one additional mark to the petitioner to question No.106 in the subject Botany for the post of PG Assistant in Botany pursuant to Notification issued by the 2nd respondent in Notification No.10/2019, dated 12.06.2019.

2. Mr.P.Raja, learned Government Advocate takes notice for Respondents. By consent, the Writ Petition is taken up for final disposal at the admission stage.

3. According to the petitioner, as per the tentative key, the petitioner has given a correct answer to question No.106 and

he is ready to produce relevant documents to prove the same. It is the grievance of the petitioner that as the 2nd respondent changed the tentative key answer to question No.106, the petitioner lost 1 mark and consequently failed to get selected to the post of PG Assistant in Botany under the BC quota. He also sent objections pursuant to the orders of this Court made in W.P.No.33038 of 2019, dated 26.11.2019. As there is no response, the petitioner has preferred the present Writ Petition, with the aforesaid relief.

4. The learned counsel for the petitioner submitted that the petitioner has also submitted a representation dated 05.02.2020 through his counsel to the 2nd respondent, but, the same is yet to be disposed of by the respondents. Learned counsel submitted that it would suffice, if the said representation made by the petitioner is directed to be considered and disposed of by the 2nd respondent on merits.

5. The learned Government Advocate appearing for the respondents submitted that the 2nd respondent may be directed to consider the representation of the petitioner within a stipulated time.

6. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the 2nd respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the 2nd respondent herein to consider the representation preferred by the petitioner dated 05.02.2020, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably on or before 30.04.2021;

ii) In case the petitioner is unable to appear for personal hearing, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the 2nd respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;

iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 05.02.2020 and this order, to the 2nd respondent forthwith;

v) The 2nd respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To

1. The Director of School Education,
Department of School Education,
DPI Campus, College Road,
Chennai - 600 006.

2. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Smpath Maligai,
College Road,
Chennai - 600 006.

+1cc to Ms.C.Uma, Advocate SR.19642
+1cc to the Government Pleader SR.19947

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AK-II(CO)
CB(07/04/2021)