

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.03.2021

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7598 of 2021  
and WMP.No.8116 of 2021

1. S. Pandiyarajan
2. T. Ravi
3. K. Subramani
4. B. Nadhiya

... Petitioners

-vs-

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

2. The Chairman,  
Teacher Recruitment Board,  
4<sup>th</sup> floor, EVK Sampath Maaligai,  
DPI Campus, College Road,  
Chennai 600 006.

... Respondents

Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus directing the respondents to award four marks for the petitioners in respect of Q.Nos.21, 34, 39 & 91 (5<sup>th</sup> Batch) based on the proof produced from standard Textbooks and consequently directing the respondents to select and appoint the petitioners to the post of Block Educational Officer under their respective communal category, based on merits in the selection.

For Petitioners : Mr.G. Sankaran

For Respondents : Mr.P. Raja  
Government Advocate

ORDER

This writ petition has been filed, seeking a direction to the respondents to award four marks to the petitioners in respect of Q.Nos.21, 34, 39 & 91 (5<sup>th</sup> Batch) based on the proof produced from standard Textbooks and consequently directing the respondents to select and appoint the petitioners to the post of

Block Educational Officer under their respective communal category, based on merits in the selection.

2. Mr.P.Raja, learned Government Advocate takes notice for Respondents. By consent of both the parties, this writ petition is taken up for final disposal at the admission stage itself.

3. The case of the petitioners is that they are qualified for appointment to the post of Block Educational Officer (BEO) coming under Tamil Nadu Elementary Education Subordinate Service which remains to be an Administrative Post and 50% of the posts to be filled up by direct recruitment. The TRB has conducted online computer based examination in six batches/sessions on three days on 14.02.2020, 15.02.2020 and 16.02.2020 each session will carry separate question paper wherein the petitioners have written 5<sup>th</sup> session examination conducted on 16.02.2020 FN. Consequently, the respondent TRB has published tentative key answers separately for each session along with questions and individuals response sheet on 20.02.2020. Thereafter published final key answer followed by marks published by the respondent TRB. There are discrepancies with reference to key answer provided for Q.Nos.21, 34, 39 & 91 by the respondents which is contrary to the actual answer provided in the approved textbooks materials. The petitioners are denied four marks for the questions in Q.Nos.21, 34, 39 & 91 stated above, they are deprived of their selection to the post of BEO. The petitioners submitted objections to key answer in the prescribed format with approved textbooks to support their claim whereas the same has not been considered. Since there was no response the petitioners have filed the present writ petition.

4. Considering the facts and circumstances of the case and taking into account the fact that the petitioners representation is already pending with the respondents and if the representation is not already disposed of earlier, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the respondents herein to consider the representation preferred by the petitioners dated 01.02.2021 if the petitioners are found to be eligible and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioners and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of 60 days from the date of receipt of a copy of this order;

ii) In case the petitioners are unable to appear for personal hearing, the petitioners 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 petitioners can avail the opportunity of either personal hearing or filing written submission and not both;

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

iv) The petitioners shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 01.02.2021 and this order, to the respondents forthwith;

v) The respondents are directed to communicate the decision taken on the representation, to the petitioners 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 petitioners to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioners, 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 petitioners, later on, will not take a plea that the petitioners are not aware of the order. No costs. Consequently connected miscellaneous petition is also closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

dpq

To:

1. The Director of School Education  
DPI Campus, College Road,  
Chennai 600 006.
2. The Chairman,  
Teacher Recruitment Board,  
4<sup>th</sup> floor, EVK Sampath Maaligai,  
DPI Campus, College Road,  
Chennai 600 006.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.19287  
+1cc to the Government Pleader, S.R.No.19368

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RSV(CO)  
CB(13/07/2021)



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