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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.7651 of 2021

M.Pasuvaraj

... Petitioner

-vs-

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

2. Teachers Recruitment Board,
represented by the Chairman,
4th Floor, EVK Sampath Maaligai,
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 four additional marks to the Petitioner to Question Nos.82, 98, 124 and 137 in the subject Zoology for the post of PG Assistant in Zoology, pursuant to the Notification issued by the 2nd Respondent in Notification No.10/2019, dated 12.06.2019 and consider the Petitioner for the post of PG Assistant in Zoology taking the total marks of the Petitioner as 85 in the Computer based Exam held on 27.09.2019 for the subject 'Zoology'.

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

For Respondents: Mr.P.Raja,
Government Advocate

O R D E R

Petitioner has come up with the present Writ Petition seeking a direction to the 2nd Respondent to allot four additional marks to him to Question Nos.82, 98, 124 and 137 in the subject 'Zoology' for the post of PG Assistant in Zoology, pursuant to the Notification issued by the 2nd Respondent in Notification No.10/2019, dated 12.06.2019 and consider him for the post of PG Assistant in Zoology, taking his total marks as



85 in the Computer based Exam held on 27.09.2019 for the subject 'Zoology'.

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, he has given correct answers to Question Nos.82, 98, 124 and 137 in the subject Zoology and has produced documentary evidence from Standard Text books to prove that, the options given in the key answers for the said Questions are wrong. But, his objections were not considered. It is his grievance that, had the 2nd Respondent accepted his objections and awarded one mark each to Question Nos.82, 98, 124 and 137, he would have been awarded four extra marks and would have secured 85 marks out of 150, and would have had a good chance of being selected for the post of PG Assistant in Zoology under the MBC Quota.

4. In respect of his grievance, the Petitioner filed W.P.No.31838 of 2019 and pursuant to the order dated 19.11.2019, the Petitioner sent his objections to the Respondent/Teachers Recruitment Board vide letter dated 21.11.2019. As there is no response, the Petitioner has preferred the present Writ Petition, with the aforesaid relief.

5. 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.

6. 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.

7. 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 following directions are issued:

(i) The 2nd Respondent herein shall consider the representation dated 05.02.2020 made by the Petitioner, if the same is not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the Petitioner and other



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persons, if any, who are likely to be affected, as expeditiously as possible, preferably on or before 30.06.2021;

(ii) In case, the Petitioner is unable to appear for personal hearing, he is entitled to send Written Submissions 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 Submissions, and not both;

(iii) In case, the Petitioner fails to appear or file Written Submissions 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 was not given to him.

(iv) The Petitioner shall furnish his 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 civil imprisonment on account of contempt proceedings. If they are unable to serve the order and the cover being returned unserved for one reason or the other, the same shall be kept in the file without opening, for the sake of proof of delivery, so that, the Petitioner, later on, will not take a plea that, he/she is unaware of the order.

The Writ Petition is disposed of with the above directions.
No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar



(aeb)

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To

1. The Director of School Education,
Directorate of School Education,
DPI Campus, College Road,
Chennai 600 006.
2. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
College Road, Chennai 600 006.

+1cc to M/s.C.Uma, Advocate Sr.22030
+1cc to the Government Pleader Sr.21431

W.P.No.7651 of 2021

rk[co]
srg 14/07/2021