

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.04.2021

CORAM

THE HONOURABLE MR. JUSTICE M.GOVINDARAJ

WP NO.8847 OF 2021

D.Amudha

...Petitioner

Versus

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

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to allot three additional marks to Question Nos.42, 92 and 137 taking the total marks of the petitioner to 78 in the subject History for the post of PG Assistant in History pursuant to Notification issued by the 2nd respondent in Notification No.10/2019, dated 12.06.2019 and consider and appoint the petitioner to the post of PG Assistant in History in the computer based exam held on 27.09.2019.

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

For Respondent-1 : Mr.P.Raja
Government Advocate

For Respondent-2 : Mr.C.Munusamy
Special Government Pleader

O R D E R

Mr.P.Raja, learned Government Advocate, takes notice on behalf of the first respondent and Mr.C.Munusamy, learned Special Government Pleader takes notice on behalf of the second respondent. By consent, the Writ Petition itself is taken up for final disposal at the admission stage itself.

2.The petitioner applied for the post of PG Assistant in History pursuant to the Notification issued by the second respondent in Notification No.10/2019 dated 12.06.2019. According to the petitioner, the tentative key answer to Question Nos.12, 42, 92, 137 and 145 issued by the second respondent are not correct and she is ready to produce all the documentary evidence to prove the same.

3.It is the grievance of the petitioner as the second respondent changed the tentative key answer to Question Nos.12, 42, 92, 137 and 145, the petitioner lost 5 marks and consequently failed to get selected to the PG Assistant in History under MBC quota. She has also sent objections to the second respondent by her letter dated 25.10.2019 objecting to the key answers for Question Nos.12, 42, 92, 137 and 145.

4.In the meanwhile, the petitioner filed a writ petition viz., W.P.No.32534 of 2019 before this Court seeking to revise the key answers to Question Nos.12, 42, 92, 137 and 145. This Court vide order dated 20.11.2019 directed the second respondent to constitute an Expert Committee in the said subject on or before 25.11.2019 and the petitioner was directed to submit her objections on or before 21.11.2019 along with materials. The Expert Committee was directed to consider the objections and take decision on or before 28.11.2019. Subsequently, the petitioner was called for Certificate Verification by the second respondent vide letter dated 15.01.2020. Since no further orders have been passed by the respondents, the petitioner is before this Court.

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

6.The learned Government Advocate appearing for the first respondent as well as the learned Special Government

Pleader appearing for the second respondent submitted that the second respondent may be directed to consider the petitioner's representation dated 05.02.2020.

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 second respondent, a direction is issued to the second respondent to consider the petitioner's representation dated 05.02.2020 and pass orders, on merits and in accordance with law, after affording an opportunity of personal hearing to the petitioner, as expeditiously as possible, preferably within a period of six weeks from the date of receipt of a copy of this order.

8.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

TK

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, S.R.No.22294

+1cc to the Government Pleader, S.R.No.22462

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PL(CO)
RN(29/04/2021)