

W.P.No.1858 of 2017**M.S.RAMESH,J.**

Today, the matter is listed under the caption “for being mentioned”.

2. In view of the earlier order of this Court dated 13.07.2021 passed in W.P.No.1858 of 2017, the following shall stand substituted in the said order:-

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned final answer keys in the question numbers 12, 52, 53, 57, 9, 20, 92, 82, 41, 4, 61 (Booklet Series "B") published by the TRB on 06.01.2017 and quash the same and consequently direct the respondents herein to re-evaluate the OMR Sheet in accordance with answer key claimed by the petitioner with strict proof of material evidence from the Standard Text Book and also provide grace mark of 10 for the question numbers 4 and 92.

Paragraph 2 - The Teachers Recruitment Board (hereinafter referred to as 'TRB') had called for filling up of 22 vacancies to the post of Assistant Professors in Government Engineering Colleges for the year 2013-14 & 2014-15 through direct recruitment. The petitioner herein (**Roll No.14E02120097**) along with others had appeared in the written examination conducted on 22.10.2016. The petitioner had secured 119 marks as against the cut-off mark of 122.

Paragraph 4 - It is claimed by the petitioner that pursuant to his discovery that the **tentative answer keys** to the aforesaid questions were wrong, he had made objections to the TRB, which were rejected by the Expert Committee of TRB.

Paragraph 5 - By an interim order dated 28.01.2020, this Court had passed orders directing the learned Standing Counsel appearing for the TNPSC, who is the fourth respondent herein, to place the aforesaid disputed questions in the Series "B" Booklet before an Expert Committee of TNPSC and obtain its report. Accordingly, an Expert Committee of TNPSC was constituted and among the 11 questions referred above, except question

No.61, the Expert Committee had re-evaluated the validity of the answer keys for question Nos.12, 52, 53, 57, 9, 20, 92, 82, 41 and 4. As per the report of Expert Committee dated 02.02.2020, the final answer keys provided by the TRB for question Nos.20 and 4 in Booklet Series "B" was found to be correct. Insofar as the final answer keys in question **Nos.12, 52, 53, 57, 9, 92, 82, and 41 are concerned**, the final answer keys provided by TRB was found to be incorrect. In other words, the petitioner who had attempted the answers pertaining to these 8 questions, were found to be correct by the Expert Committee of the TNPSC.

3. All other observations made in my earlier order dated 13.07.2021, shall remain intact.

सत्यमेव जयते

16.07.2021

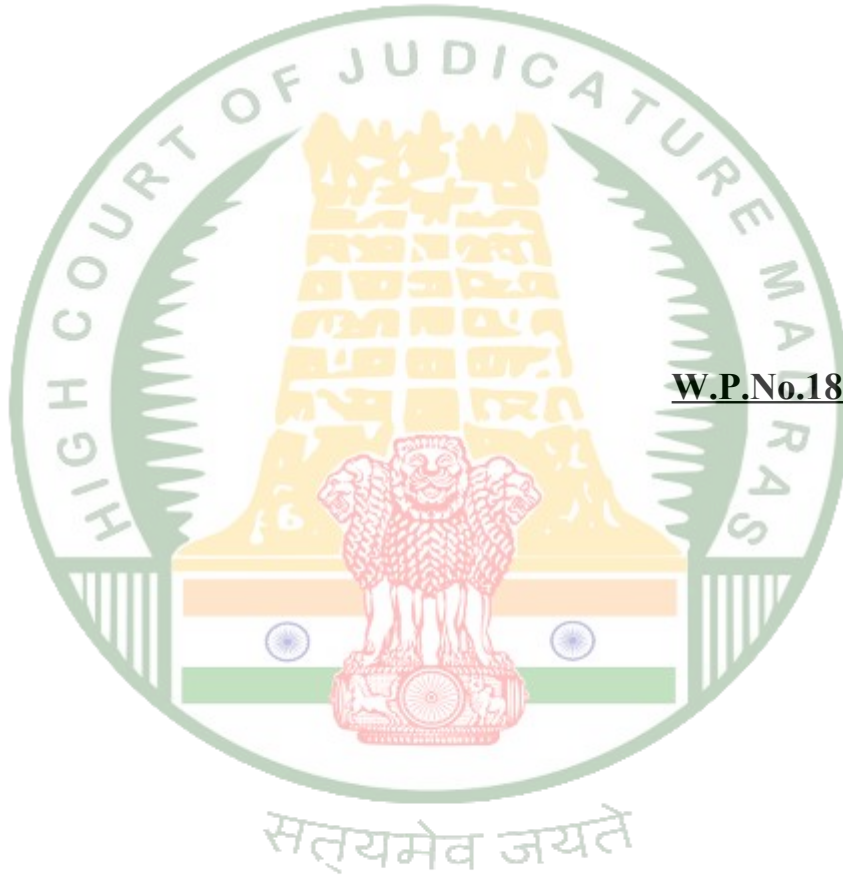
(Note: Registry is directed to carry out the above corrections and issue fresh order copy on 19.07.2021)

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M.S.RAMESH,J.

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W.P.No.1858 of 2017

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16.07.2021

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 13.07.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.1858 of 2017
and
W.M.P.Nos.1854 & 1855 of 2017

V.Lakshmikandhan

...Petitioner

Vs

- 1.The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Building,
College Road, Chennai - 600 006.
 - 2.The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Building,
College Road, Chennai - 600 006.
 - 3.The Secretary to Government,
Department of Higher Education,
State of Tamil Nadu,
Fort St. George, Chennai - 600 009.
 - 4.The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai - 600 003.
- (R4 impleaded vide order dated 11/12/19
in WMP.No.35001/2019)*

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records of the respondent in connection with the impugned order passed by him in GO (D) No.192 Adi-dravida & Tribal Welfare Dept. dated 27.9.19 and quash the same and direct the respondent to reinstate the petitioner into service and grant her all consequential service and monetary benefits within a reasonable time.

For Petitioner : Mr.V.Lakshmikandhan
Party-in-Person

For R1 to R3 : Mr.K.V.Sajeev Kumar,
Government Counsel

For R4 : Mr.Karthik Rajan
Standing Counsel

ORDER

By consent of both the parties, this writ petition is taken up for final disposal.

2. The Teachers Recruitment Board (hereinafter referred to as 'TRB') had called for filling up of 22 vacancies to the post of Assistant Professors in Government Engineering Colleges for the year 2013-14 & 2014-15 through direct recruitment. The petitioner herein (Roll No.14E021200970)

along with others had appeared in the written examination conducted on 22.10.2016. The petitioner had secured 119 marks as against the cut-off mark of 122.

3. According to the petitioner, the TRB had published a tentative answer key on 01.11.2016, wherein he had found the question Nos.12, 52, 53, 57, 9, 20, 92, 82, 41, 4 and 61 in Booklet Series "B" to be incorrect in comparison to the material evidences from the standard text book referred by him. In view of the same, the petitioner had filed the present writ petition seeking for re-evaluation of the OMR sheet, in connection with these disputed answer keys provided by TRB.

4. It is claimed by the petitioner that pursuant to his discovery that the final answer keys to the aforesaid questions were wrong, he had made objections to the TRB, which were rejected by the Expert Committee of TRB.

5. By an interim order dated 28.01.2020, this Court had passed orders directing the learned Standing Counsel appearing for the TNPSC, who is

the fourth respondent herein, to place the aforesaid disputed questions in the Series "B" Booklet before an Expert Committee of TNPSC and obtain its report. Accordingly, an Expert Committee of TNPSC was constituted and among the 11 questions referred above, except question No.61, the Expert Committee had re-evaluated the validity of the answer keys for question Nos.12, 52, 53, 57, 9, 20, 92, 82, 41 and 4. As per the report of Expert Committee dated 02.02.2020, the final answer keys provided by the TRB for question Nos.20 and 4 in Booklet Series "B" was found to be correct. Insofar as the final answer keys in question Nos.12, 52, 53, 57, 9, 92, 82, 41 and 4 are concerned, the final answer keys provided by TRB was found to be incorrect. In other words, the petitioner who had attempted the answers pertaining to these 8 questions, were found to be correct by the Expert Committee of the TNPSC.

6. It is stated that each of these question carries 1 mark and accordingly, the petitioner herein would be entitled to 8 additional marks. While that being so, when the petitioner has already acquired 119 marks and when the credit of 8 additional marks is now added, he would have secured 127 marks in total, which is above the cut-off mark of 122.

Consequently, the candidature of the petitioner requires to be included in the selection list to the post of Assistant Professors in the Government Engineering Colleges for the years 2013-14 and 2014-15.

7. It is brought to the notice of this Court that when the petitioner had sought for certain information under the Right to Information Act, the Department of Technical Education, through their letter No.11557/A2/2018, dated 19.04.2018, had opined that there were 14 vacancies to the post of Assistant Professors in the Mechanical Engineering Department of the Government Engineering Colleges, as on 01.04.2018.

8. It is also brought to the notice of this Court that, insofar as the 22 vacancies for which direct recruitment to the post of Assistant Professors was conducted, the Department of Technical Education, through their proceedings dated 09.05.2017, had issued orders of appointment to all the 22 candidates. The copy of the proceedings reveal that the appointments extended to these 22 candidates were temporary in nature and that they would be subject to the final decision to be taken in W.P.Nos.1858 and 2881 of 2017. Incidentally, the petitioner in W.P.No.2881 of 2017 is said to

have withdrawn the petition, since the petitioner therein was already appointed.

9. In the light of the above observations, there shall be a direction to the second respondent herein to forthwith include the name of the petitioner herein in the selection list for the post of Assistant Professor in the Government Engineering Colleges for the years 2013-14 and 2014-15 and forward the same to the third respondent herein. The TRB shall endeavor to forward the name of the petitioner in the selection list, atleast within a period of 15 days from the date of receipt of a copy of this order. On receipt of the selection list, the third respondent shall forthwith issue orders of appointment to the petitioner, appointing him as an Assistant Professor in any of the Government Engineering Colleges, atleast within a period of 8 weeks from the date of receipt of the selection list from the TRB.

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10. With the above directions, the writ petition stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

13.07.2021

Index: Yes/No

Internet: Yes/No

Speaking order/Non-speaking order

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Note: 1. Upload in website on 14.07.2021

2. Issue order copy on 15.07.2021

To

1. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Building,
College Road, Chennai - 600 006.
2. The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Building,
College Road, Chennai - 600 006.
3. The Secretary to Government,
Department of Higher Education,
State of Tamil Nadu,
Fort St. George, Chennai - 600 009.
4. The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai - 600 003.

M.S.RAMESH,J.

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**W.P.No.1858 of 2017
and
W.M.P.Nos.1854 & 1855 of 2017**

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13.07.2021