



IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.07.2021
PRONOUNCED ON : 11.08.2021

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CORAM :

THE HONOURABLE MR.JUSTICE M.S. RAMESH

W.P.No.35198, 35202 & 35539 of 2019
and 693, 2549 & 2640 of 2020

&

WMP.Nos.35980, 35984, 35987, 35988, 36386, 36388,
36390 & 36391 of 2019

and

WMP.Nos.836, 838, 840, 841, 2965, 3077 & 4087 of 2020

M.Sriranjini ...Petitioner in W.P.No.35198 of 2019

N.Senthil Kumar ...Petitioner in W.P.No.35202 of 2019

1.G.Rajkumar

2.M.Rajkumar

3.Nithiyanandan

4.K.Vasanthi ...Petitioners in W.P.No.35539 of 2019

1.John William Kennadi J

2.S.Sumathi

3.Ilamkathir ...Petitioners in W.P.No.693 of 2020

K.Kalaiselvan ...Petitioner in W.P.No.2549 of 2020

V.Nadhiya ...Petitioner in W.P.No.2640 of 2020

Vs.

1.The Chairman / Member Secretary
Teachers Recruitment Board
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai - 600 006.



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2.The Director of School Education
O/o the Directorate of School Education,
College Road, Nungambakkam,
Chennai - 600 006.

...R1 to R2 in W.P.No.35198 of 2019,
35202 of 2019, 2549 of 2020

3.J.Umarani

4.R.Lakshmi

5.D.Thennarasi

...R3 to R5 in W.P.No.35198 of 2019

(R3, R4 impleaded vide Order dated 11.02.2021 made in WMP No.2370 of 2021 in WP No.35198 of 2019 by SVNJ and R5 impleaded vide Order dated 23.07.2021 made in WMP No.4050 of 2021 in WP No.35198 of 2019 by MSRJ)

1.The Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St. George, Chennai - 600 009.

2.The Director of School Education,
DPI Campus, Chennai - 600 006.

3.The Member Secretary,
The Teachers Recruitment Board,
DPI Campus, Chennai - 600 006.

...R1 to R3 in W.P.No.35539 of 2019, 693 of 2020

4.J.Ismail

5.P.Ayyamperumal

...R4 & R5 in W.P.No.693 of 2020

(impleaded as R4 & R5 as per Order of Court dated 23.07.2021 in W.M.P.No.14504 of 2021)

3.The Secretary,
The State of Tamil Nadu,
Department of School Education
Fort St. George,
Chennai - 600 009.

...R3 in W.P.No.2549 of 2020

4.The Chief Secretary
State of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

...R4 in W.P.No.2549 of 2020



1.The Principal Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.

2.The Chairman,
Teacher Recruitment Board EVK Sampath Maaligai,
College Road, Chennai - 600 006.

3.The Member Secretary,
Teacher Recruitment Board EVK Sampath Maaligai,
College Road,
Chennai 600 006.

...R1 to R3 in W.P.No.2640 of 2020

Prayer in W.P.Nos.35198 of 2019 and 35202 of 2019 : These Writ Petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned final selection list for the Certificate Verification dated 28.11.2019 for the Direct Recruitment of Computer Instructors Grade-I (Post Graduate Cadre) based on notification dated on 01.03.2019 as Online Computer Based Examination on the file of the Respondent No.1 and quash the same as illegal and further direct the Respondent No.1 to conduct Re-examination for all the candidates who appeared the examination conducted by the Respondent No.1 on 23.06.2019 and 27.06.2019.

Prayer in W.P.No.35539 of 2019 : This Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, declaring that the entire examination and the results published for the post of Computer Instructor Grade I published in Notification No.9 of 2019 dated 01.03.2019 by the 3rd respondent as illegal and arbitrary on the ground of being vitiated by non transparency and mal practice and consequently direct the 3rd respondent Board to conduct a fresh examination for the post of Computer Instructor Grade I in a transparent manner by giving an equal opportunity to all the candidates.

Prayer in W.P.No.693 of 2020 : This Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, to declaring that the entire examination and the results published for the post of Computer Instructor Grade I published in Notification No.9/19 dated 01.03.2019 by the 3rd Respondent as illegal and arbitrary on the ground of being vitiated by non transparency and mal practice and consequently direct the 3rd Respondent board to conduct a fresh examination for the post of Computer Instructor Grade I in a transparent manner by giving an equal opportunity to all the candidates.



Prayer in W.P.No.2549 of 2020 : This Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, Directing the respondent to Cancell the recruitment process including the examination held on 23/06/2019 and 27/06/2019 in pursuance of notification No.09/2019 dated 01/03/2019 issued by the 1st respondent and consequently directing the 1st respondent to conduct the examination afresh in a transparent manner.

Prayer in W.P.No.2640 of 2020 : This Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Declaration, Declaring the selection process conducted by the 2nd respondent for the recruitment to the post of Computer Instructor Grade I (P.G.cadre) in School Education Department for the year 2018-19 as null and void.

For Petitioner :

In W.P.No.35198, 35202 of 2019 : MR.T.K.Saravanan

In W.P.No.35539 of 2019, 693 of 2020 : Mrs.Dakshayani Reddy

In W.P.No.2549 of 2020 : Mr.M.Nirmal Kumar

In W.P.No.2640 of 2020 : Mr.P.Kannan Kumar

For Respondents :

In W.P.Nos.35198, 35202 of 2019 :

For Respondent-1 : Mr.K.V.Sajeev Kumar
Counsel for Government

For Respondent-2 : Mr.K.Tippu Sultan
Counsel for Government

In W.P.No.35198 of 2019 :

For Respondent 3 & 4: Mr.G.Sankaran

For Respondent-5 : Mr.C.Santhoshkumar

In W.P.No.35539 of 2019 :

For R1 & R2 : Mr.K.Tippu Sultan
Government Advocate

For R3 : Mr.K.V.Sajeev Kumar
Government Counsel



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In W.P.No.693 of 2020 :

For R1 & R2	:	Mr.K.Tippu Sultan Government Advocate
For R3	:	Mr.K.V.Sajeev Kumar Government Counsel
For R4 & R5	:	Mrs.Malini Chidambaram, Senior Counsel for Ms.C.Uma

In W.P.No.2549 of 2020 :

For R1	:	Mr.K.V.Sajeev Kumar Government Counsel
For R2 to R4	:	Mr.K.Tippu Sultan Government Advocate

In W.P.No.2640 of 2020 :

For R1	:	Mr.K.Tippu Sultan Government Advocate
For R2 & R3	:	Mr.K.V.Sajeev Kumar Government Counsel

C O M M O N O R D E R

The present Writ Petition is heard through Video Conferencing on 23.07.2021.

2.The brief facts of the case are as follows:-

2.1. In accordance with the notification issued by the Teachers Recruitment Board (TRB) in Notification No.9/2019 dated 01.03.2019, the applications were invited from eligible candidates for recruitment to the posts of Computer Instructor, Grade-I (Post Graduate Cadre) for filling up 814 vacancies. The notification was pursuant to the sanction granted by the Government in G.O.Ms.No.26, (School Education) Department, dated 12.02.2019, to fill up the vacancies.

2.2. In response to the notification, 26,882 candidates are claimed to have applied for the posts, pursuant to which an On-Line Examination was conducted, on 23.06.2019 in 119 centres by TRB.



2.3. After the examinations were conducted on 23.06.2019, there were several complaints from a few of the examination centres with regard to poor-server issues; absence of CCTV Cameras; unauthorised possession of mobile phones by some candidates; extension of exam duration; etc. When these alleged irregularities became the subject matter of many Writ Petitions, the TRB had conducted a parallel enquiry through its Chairman and the Director of Government Examinations, whereby it was reported that the alleged irregularities were baseless and thereby concluded that there were no malpractices in any of the centres. In the midst of these complaints and confusions, this Court had injuncted the TRB from finalizing the impugned selection list.

2.4. In the meantime, the TRB had also rescheduled the examination of three centres, wherein technical problems relating to working of the server were reported and accordingly, the exams were re-conducted on 27.06.2019.

2.5. In this aforesaid background, when the present Writ Petitions were taken up for hearing on 17.12.2020, a learned Single Judge of this Court had observed that the irregularities were predominantly addressed in the three centres where re-examinations were conducted on 27.06.2019 and accordingly, appointed a retired Judge of this Court, namely, Hon'ble Mr. Justice N.Authinathan (Retd.,) as a One Man Committee, to enquire into the allegations of the unsuccessful candidates in these three centres.

2.6. Some of the Writ Petitioners had challenged the interim orders of the learned Single Judge in W.A.No.330 & 398 of 2021 and the Hon'ble Division Bench, by its final orders dated 10.02.2021, had approved the decision of the learned Single Judge to appoint a Committee to enquire into the allegations of malpractices. However, the Hon'ble Division Bench was of the view that such an enquiry be extended to all the examination centres, instead of restricting it to three centres and further modified the One Man Committee into a Two Member Committee, by retaining the Hon'ble Retired Judge appointed by the learned Single Judge and permitting the learned Judge to induct a Police Official, not below the rank of a Deputy Inspector General of Police, as a part of the Committee. The order of the Hon'ble Division Bench passed in the aforesaid appeals reads as follows:-

"The matter pertains to the conduct of an examination for recruitment of teachers undertaken in 2019. The grievance of the appellant against the interim order of December 17, 2020 is that the inquiry as directed by the said order has been confined to three examination



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centres, though the petitioners had complained of widespread malpractice in course of the conduct of the examination.

2. It has been fairly submitted on behalf of the State and the respondent authorities that they are not averse to a more broadbased inquiry being conducted so that there is no misgiving at any level.

3. For such purpose, the learned retired Judge, as appointed by the order dated December 17, 2020, is requested to induct a retired police official not below Deputy Inspector General of Police rank and without any political leanings so that the Committee now comprises two members. The Committee will undertake a broad based study of the manner in which the examination was conducted at the various centres. It will be open to the Committee to see the CCTV footage. In the event the CCTV footage is not available at some of the centres, the Committee must seek an explanation therefor. It will also be open to the Committee to speak to the examinees at the centres or the examinees at the centres for which no CCTV footage is available so that all apprehension expressed by the writ petitioners may be allayed.

4. The Committee should conclude the exercise within a period of six weeks from the date of the constitution thereof and ensure that the report is filed before the appropriate Single Bench by April 30, 2021.

5. Nothing more need be said of the matter at this stage since the inquiry report will be taken into consideration before the matter is finally dealt with.

6. The remuneration of the members of the Committee will be decided by the learned Single Bench at the time of final consideration of the matter. The incidental expenses of the members of the Committee for the purpose of conducting the inquiry must be borne by the respondent authorities.

7. The appointments already given to the successful candidates will abide by the result of the proceedings and the final order that may be made on the writ petitions by the learned Single Bench.

8. In course of the conduct of the inquiry, it will be open to the Committee to invite the petitioners to point out any glaring errors, if the Committee so feels. It is needless to say



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that the parties may request the learned Single Bench to adjourn the final hearing till after the report is obtained.

9. Nothing further survives of the appeals. W.A.Nos.330 and 398 of 2021 are disposed of. Consequently, C.M.P.Nos.1345, 1778, 1589 and 1591 of 2021 are closed. The observations herein are for the limited purpose of passing an order herein and they will be without prejudice to the rights and contentions of both sets of parties. There will be no order as to costs."

2.7. In compliance of the Hon'ble Division Bench's directions, the Two Member Committee had proceeded to enquire into the allegations. At the inception of the entire process, the Two Member Committee had issued a public notice on 18.02.2021, calling for the representations from the candidates from 119 centres, where the examinations were conducted by the Teachers Recruitment Board. Among the 119 examination centres, representations were received from 192 candidates of which 49 of the representations were from successful candidates, who had asserted that the examinations were held peacefully. The remaining representations before the Committee, reported of malpractices/irregularities in respect of 59 centres, out of the 119 examination centres. In compliance of the Hon'ble Division Bench's directions, the Two Member Committee had completed their enquiry and have submitted a report dated 31.05.2021 in a sealed cover before this Court and accordingly, all these Writ Petitions were taken up for hearing today.

3. The petitioners in all the six Writ Petitions before this Court are candidates whose names have not been included in the impugned selection list and who had raised complaints alleging various forms of irregularities/malpractices in the examination centres. Simultaneously, the candidates who had impleaded themselves through orders of this Court passed in WMP.No.14504 of 2021 in W.P.No.693 of 2020 and WMP.No.4050 of 2021 in W.P.No.35198 of 2019, are the successful candidates, whose names were found in the selection list, but were not issued with appointment orders, in view of the interim injunction granted by this Court in the present Writ Petitions.

4. The scope of dealing with various grounds of malpractices/irregularities raised by the Writ Petitioners has now been narrowed down in view of the decision of the Hon'ble Division Bench, to have the complaints enquired by the Committee. All these grounds of alleged malpractices/irregularities, have now been extensively dealt with by the Two Member Committee, appointed by the Hon'ble Division Bench and the report dated 31.05.2021, together with all the supporting



documents, has elaborately dealt with the grievances of these petitioners, along with similarly aggrieved candidates.

5. When the Two Member Committee appointed by the Hon'ble Division Bench had conducted a detailed enquiry and submitted his report, it may not be proper for this Court, exercising its powers under Article 226 of the Constitution of India, to make any further scrutinization of the report, which is based on factual aspects.

6. This Court had perused the entire report of the Two Member Committee, together with all the supporting documents. Suffice it to say that the comprehensive report has touched upon the grievances of all the aggrieved candidates and the findings rendered on their grievances is also based on the evidences and the factual scenario that existed in the respective examination centres.

7. For a better appraisal, the report of the Two Member Committee, dated 31.05.2021 is extracted hereunder:

"The Teachers Recruitment Board (herein after referred to as 'TRB') was constituted by the Government of Tamil Nadu in the year 1987. It recruits teachers through various means depending upon the categories and orders issued by the Government on the method to be adopted for recruitment.

2. Tamil Nadu-e-Governance Agency (TNeGA), a Society wholly owned by the Government of Tamil Nadu supports various Government departments of Tamilnadu for their recruitment purpose. TNeGA selected National Stock Exchange Information Technology Limited (NSEIT), a wholly owned subsidiary of National Stock Exchange of India Limited, as System Implementation Partner for conducting online examinations for Government Departments of Tamil Nadu. NSIET provides End-to-End support for examination, including online application, providing test centres and conducting online test and publication of results. The TNeGA entered into a Master Service Agreement on 05.02.2019 with NSEIT Limited. Copy of the Master Service Agreement is enclosed. (Annexure-1)

3. In the year 2018, TRB decided to go for computer based online tests in order to rule out manipulation and to prevent fraud in examinations. The Government issued G.O. (1D) No. 658 School Education (TRB) Department dated



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08.10.2018 (Annexure-2) permitting TRB to conduct the examination through online Computer Based Test mode instead of offline mode. It was left to the discretion of the TRB to take a call as to which tests can be conducted online depending on the availability of infrastructure and capacity of the identified agency. The TRB was asked to engage the services of TNeGA for online tests.

4. The Government of Tamil Nadu accorded sanction for creation of 814 Computer Instructors Grade I (Post Graduate Level) (PGCI) posts in Government Schools and these posts were to be filled only through direct recruitment by TRB vide G.O.Ms.No.26 School Education (SE7-1) Department dated 12.02.2019 (Annexure-3).

5. TRB decided to conduct Computer Based Test for the recruitment of PGCI/ Teachers and approached TNeGA with a request to facilitate Pre-Examination, Examination and Post Examination activities. TNeGA engaged NSEIT Ltd to provide End-to-End examination services. Thus, the work for conduct of TRB PGCI 2019 examination was assigned to NSEIT Ltd.

6. TRB issued Notification No.09/2019 dated 01.03.2019 (Annexure-4) inviting applications from eligible candidates for the direct recruitment to the post of PGCI. The selection was to be made through Computer Based Examination. 30833 candidates applied. The examination was scheduled to be held on 23.06.2019 from 10:00 am to 01:00 pm. They provided facility of mock test for candidates through website to acquaint themselves with interface and pattern, before the examination date. A Press Release in this regard was issued by TRB on 19-06-2019. (Annexure - 5)

7. The Test comprised of 150 multiple choice questions with each question carrying one mark. Each question will have four alternatives. There is no negative marking for any wrong answer. 130 questions were from computer science, 10 from general knowledge and another 10 from education psychology. Candidates were to answer 150 questions in 180 minutes (Differently Abled candidates to have 240 minutes). The question will be available only in English language.

8. The first online Computer Based Test was conducted as scheduled on 23.06.2019 at 119 centres across the State in single session.



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There were unexpected technical issues cropped up in three centres- (1) KSR College of Engineering, Tiruchengode (2) Annai College of Engineering and Technology, Thanjavur. (3) Kongunadu College of Engineering and Technology, Tiruchirappalli. TRB rescheduled the exam for those candidates from the above mentioned three centres, who could not complete their exam due to technical glitches. However, the organizers were able to ensure the completion of the examination in other centres. The rescheduled exam was conducted on 27.06.2019 at six centres 1. Mahalakshmi Engineering College, Trichy 2. Shivani College of Engineering and Technology, Trichy 3. Sengunthar Engineering College and Technology, Tiruchengode Taluk, Namakkal 4. KSR Institute for Engineering and Technology, Tiruchengode Taluk, Namakkal 5. Al-Ameen Engineering College, Nanjaiuthukuli, Erode and 6. Kongu Engineering College, Perundurai, Erode. (Annexure-6)

9. After completion of the examination on 27.6.2019, the TRB uploaded on its website candidates' question papers and their response. On 29.07.2019, TRB released the tentative key answers for the PGCi examination and the candidates were given time till 3.8.2019 to submit their representations in the prescribed format. As the examination was conducted in more than one session, in order to determine the final merit list and to ensure that candidates are neither benefitted nor disadvantaged due to the difficulty level of the examination, they used normalisation procedure as conditioned in the Notification dated 1.3.2019. On 25.11.2019, TRB published the result. Some of the unsuccessful candidates moved the Hon'ble High Court for cancellation of the examination in question alleging large scale malpractices / irregularities at certain examination centres. Pending final disposal of the petitions in W.P.Nos.35198, 35202 & 35539 of 2019 and W.P.Nos.693, 2459 & 2640 of 2020 and W.M.P.Nos.35985, 35988, 36388, 36390, 36391 of 2019 and W.M.P.Nos.838, 840, 841 & 2965 of 2020, the Hon'ble High Court, in its order dated 27.12.2020, appointed one of us (Thiru N. Authinathan) as One Man Committee to enquire into the allegations of malpractices / irregularities at KSR College of Engineering,



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Tiruchengode, Namakkal District, Annai College of Engineering and Technology, Kumbakonam, Thanjavur District and Kongunadu College of Engineering and Technology, Thottiyam, Trichy District and file a report to the Court. The One Man Committee filed its report after due enquiry on 30.01.2021 as per orders dated 17.12.2020 passed by the Hon'ble Single Judge.

10. It would appear that Writ Appeals have been preferred in WA No 330 of 2021 and WA No 398 of 2021 against the said common order dated 17-12-2020 passed by the Hon'ble Single Judge and in the said Writ Appeals the Hon'ble First Division Bench passed an order enlarging the scope of enquiry so as to cover all the examination centres (119) where the examination was held besides asking the One Man Committee to induct a Retired Police Official not below the rank of Deputy Inspector General of Police without any political leanings and thus, the Committee has become a Two Member Committee. In pursuance of the orders of the Hon'ble First Division Bench, Thiru S.S. Krishnamoorthy, IPS, Inspector General of Police (Retired) was inducted as a Member of the Committee and it has been informed to the Hon'ble High Court by a letter dated 17.02.2021 (Annexure - 7)

11. In the light of the observations and directions of the Hon'ble High Court, we conducted a comprehensive enquiry in respect of all the 119 centers. Public Notice was issued on 18-02-2021 (Annexure-8) inviting affidavits from candidates who had attended the examination in any of the centres and had any grievance about the conduct of the examination with any material to substantiate their complaint. The candidates were also permitted to send their scanned copies of affidavits and supporting documents to the Committee by e-mail to trbtwomemberscommittee@gmail.com

12. In response to the Public Notices issued, 192 candidates sent their representations. (Annexure-9) (The representations received by the One Man Committee and the Two Member Committee were taken up together for consideration by the Two Member Committee). Of the 119 Examination Centres, representations have been made alleging malpractices/irregularities only in respect of 59 centres. In respect of the remaining centres



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no allegations of malpractices/irregularities have been made.

13. The sum and substance of various allegations of the candidates is that taking undue advantage of the technical snags and consequential break in the examination, candidates indulged in a process of consultation and copying among themselves. In most of the centres, scheduled timing (10 am to 1 pm) of the examination stretched beyond 1 pm. On account of server related issues which cropped up in the examination, questions were allowed to be shared among the candidates. Consequently the candidates became bewildered, demoralised and agonised and could not do well in the examination. The cumulative effect of the said commissions and omissions on the part of the examiners enabled the candidates who have emerged successful to score over those candidates who failed in the examination.

14. TRB has put forth a case that they had ensured proper network connections in all the centres. However, unexpected technical issues cropped up in three centres due to which they conducted re-examination for those candidates who could not complete the examination. According to TRB, no circumstance or factor existed vitiating the examination and to that effect, a Member of the TRB has sworn to an Affidavit. In accordance with the directions of the Hon'ble High Court, the Committee received responses from the TRB. They denied the allegations made by the unsuccessful candidates and explained what had happened during the examination.

15. Of the 192 representations, 49 representations are from successful candidates. They would assert that the examination went off smoothly. There was no instance of malpractice and the rules were followed strictly and invigilation was proper. There was also no complaint of any malpractice or irregularity in the examination halls where the examination was in active session in the three centres where the examinations was rescheduled and in the six centres where the rescheduled examination was conducted.

16. As it has been made clear that the overall responsibility of the implementation of examination process remained with the NSEIT Ltd,



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the Committee obtained all the details from them. The One Man Committee issued a questionnaire to them and obtained their responses (Annexure-10). They have also produced a copy of Process Manual of Project TANGO Decentralized (EXOD-4.7) (Standard Operating Procedure) (Annexure-11) that was followed during the examination in question.

17. As per the Process Manual, NSEIT Ltd involved the following personnel in the examination centre: -

1. Chief Proctor.
2. Venue SPOC (Single Point of contact).
3. Associate Chief Proctor.
4. Associate IT Executive.
5. Invigilators.
6. Verification Desk Officers.
7. IT Executive.
8. Security Guard Supervisor.
9. Electrician/DG Operator.
10. Helper / Peon.

TRB deployed their team of Observers to monitor the whole examination process.

18. NSEIT has produced a document entitled "TRB - PGCI Examinations-2019" (Annexure-12) which contained detailed narration of End-to-End Computer Based Test conduct procedure implemented for the PGCI recruitment examination. It also contains all the salient features, security measures at every stage. The examinations are conducted using SPS which is an NSEIT developed Standalone Operating System which doesn't require any other Operating System. The candidate cannot access any other applications while logged in and can access only his/her assigned Test Module.

19. From the time candidate logs in to the time he clicks the 'SUBMIT' button, all his movements are recorded by the system and saved as logs. The examination flow is pre-programmed and the candidate cannot deviate at any stage. The candidate will be given precise time of 180 minutes to complete the examination and in case of a person with disability it will be 240 minutes. If there is a break due to system/network issue, the system will resume the timer only when the candidate's system becomes functional again.

20. Question paper is pushed from TRB headquarters in the presence of TRB officials to



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NSEIT main server at Mumbai 45 minutes before the start of the examination. It is subsequently pushed to the respective centres from NSEIT main server in an encrypted format. An automated encrypted password will be triggered to the respective Chief Proctors of the examination centres. The Chief Proctors perform the Start Batch activity 30 minutes from the scheduled start time of the examination. The question paper will be accessible only at 10:00 am and onwards. The Chief Proctor would perform Stop Batch after confirming that all candidates have submitted their question papers.

21. During the examination, once the candidate clicks the 'Start Test', a Reverse Timer will be activated. Candidates will have 180 minutes to complete their examination and the Timer will be always visible on the right hand corner of the PC screen.

22. The Test will be auto submitted on the lapse of 180 minutes from the start time of examination (for Differently Abled Candidates, it would be 240 minutes). According to NSEIT, the examinations are conducted using LAN (Local Area Network) and does not require an Internet connection. The data is stored in the Primary Server and transmitted to the candidate's system using the local network and can be accessed by specific candidate only during his allotted time.

23. No physical intervention is needed for calculating candidates' Test Score. The Candidates Scores are calculated in Real time and doesn't require the need for manual correction or grading. The Error Percentage is Zero and the data cannot be tampered with, as this is a pre-programmed automated process.

24. In the back drop of the Standard Operating Procedure that was followed during the examination, the veracity of the allegations of the unsuccessful candidates is to be tested.

25. The scheduled timings of the examination was 10 am to 1 pm. Duration of the examination was 180 minutes. The details of "Start time - End time" of the examination collected from the NSEIT would show that the examination was held in as many as 119 centres across the State of Tamilnadu and Union Territory of Puducherry. There was delay in the commencement of the examination in certain centres due to technical



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issues. The statement showing the start time and end time of the examination centerwise is enclosed. (Annexure-13 & Annexure-14) In certain centres there were issues of

1. Unstable network connectivity,
2. No Connectivity at all and
3. frequent interruptions

which led to delay in the commencement of the examination and consequential cancellation of the examination in the aforesaid three centres.

26. The case of the unsuccessful candidates is that taking undue advantage of the technical snags and consequential break in the examination, successful candidates indulged in a process of consultation and copying among themselves. According to them some of the successful candidates used mobile phones, books and browsed internet for searching answers. It was further alleged that the system administrator and invigilators gave direct URL to log in and this arrangement helped parallel search from Google. They have also alleged that there was no partition between the systems. According to them Computer screen of one candidate was visible to others. Some of the unsuccessful candidates pointed out that CCTVs were not installed at some centres to record the activities of the candidates during the examination.

27. It was ascertained from TRB and NSEIT that, of the 119 centres in which examination was held on 23-06-2019 and 06 centres in which examination was held on 27.06.2019, in 61 centres CCTV coverage was already available as part of the infrastructure of the Institutions where the examination was held. In the remaining 64 centres, NSEIT provided CCTV coverage facility by engaging a Private Vendor and, as such, in all the 125 centres, CCTV coverage was ensured on the days of examination.

28. However, the CCTV recordings in respect of 30 centres (20 centres where CCTV facility was available as part of the infrastructure of the centres and 10 centres where CCTV facility was provided by NSEIT through third party private vendor) were not available with TRB. In pursuance of the directions of the First Division Bench of the High Court, explanation was sought for from NSEIT.

29. NSEIT has informed that CCTV footages



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pertaining to all 125 centres in which the examinations was conducted on 23.06.2019 and on 27.06.2019 except the following four centres were handed over to TRB in August 2019.

1. Syed Ammal Engineering College, Ramanathapuram
2. KLN College of Information Technology, Madurai
3. Podhigai Engineering College, Vellore
4. Kongunadu Engineering College, Trichy

30. However, TRB requested NSEIT to provide the CCTV footages again in December 2019. NSEIT, as they did not have any backup, undertook the exercise of gathering the CCTV recordings again from the original sources. This time, they could collect in respect of 95 centres only (Annexure-15). They could not collect in respect of the remaining 30 centres, as the data / files were found to be corrupted / deleted due to multiple transfers.

31. When NSEIT was asked as to who were responsible for this, they stated that "It may kindly be noted that we have copied and submitted the CCTV footages of the examination centres in 3 instances to TRB..... There is a high possibility due to repetitive searches/transfer of files multiple times these files would have become unreadable or corrupted, we will not be able to assign any responsibility on a person for these files getting corrupted/deleted" (Annexure-16).

32. The explanation offered by the NSEIT deserves to be acted upon in as much as the opinion being of technical nature and they could be presumed to have technical knowledge and there appears to be no reason to eschew its opinion from consideration and eventual acceptance. The examination was conducted under the supervision of Chief Proctor and his team of examination related staff. Invigilators were appointed at the ratio of one per 25 candidates. TRB had deployed officers from Education Department to monitor the entire examination process. The non-availability or absence of CCTV footages in the circumstances supra, would not impel us to come to a conclusion that the examination has been vitiated.

33. The CCTV footages revealed that the examination process from the start to end has been recorded systematically. The CCTV footages



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also revealed that, in a few centres, there was no partition between the systems and when enquired NSEIT responded that they came across this deficiency in the last minute and they ensured that the gap between the systems was increased and in certain places they placed CPU in between. We could see CPUs placed in between the systems where there is no partition in some places. Otherwise, the conduct of the candidates and the quality of invigilation and technical support provided to the candidates could be viewed well. No aberration was noticed in the conduct of the candidates or in the conduct of the invigilators. Moreover, immediately before commencement of examination, the examination instructions would appear on the screen. The Onscreen instructions to candidates about CCTV surveillance, among other instructions, would appear as follows: -

"Candidates are advised not to indulge in any malpractice, as the entire examination process is monitored and recorded through CCTV". (Page 15, Instruction 13 of Annexure - 12) The candidates as well as the officials seem to be conscious of the CCTV coverage and they were conducting themselves properly.

34. The details of CCTV footages viewed centre-wise and our remarks in respect of the examination conducted in 119 centres were consolidated in a statement (Annexure-17). The details of CCTV footages viewed in respect of 06 centres in which the re-scheduled examination was held on 27.06.2019 are furnished in a statement (Annexure-18). The 20 centres where the CCTV coverage was part of their infrastructure and the recordings could not be retrieved are listed in a Statement (Annexure-19). The 10 centres where the Third Party Vendor installed their system and the recordings could not be retrieved are listed in a Statement (Annexure-20). We have watched the recordings and they do not disclose any malpractice nor are there any material available in the footages which would throw a cloud of doubt on the propriety of those entrusted with the responsibility of conducting the examination. Mere allegation will not be synonymous with proof.

35. The unsuccessful candidates place reliance on a video copied in a CD which is



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claimed to have been recorded when the examination was in progress. The case of the unsuccessful candidates is that the examinees indulged in group discussion and mass copying. The definite case of the TRB is that it was recorded after the announcement of the cancellation of the examination and when there was consequential disorderliness and indiscipline. It could be seen from the video that registration number TRBPGC2127454 is being displayed on the computer screen and a few persons are seen in front of the screen. It would be pertinent to note at this juncture, that the number which got displayed belongs to candidate R.Prabhakaran-19PGCI4600373 who appeared for the examination at KSR College of Engineering and Technology, Tiruchengode, Namakkal and his examination got cancelled and rescheduled. Therefore, the case of the TRB cannot be brushed aside. The original maker of the video has not been identified. The video produced in CD form is not original. The original maker has not come forward to vouchsafe the genuineness and authenticity of the video. Hence, it is unsafe to use the video to draw inference in the manner, the unsuccessful candidates wanted us to draw. This is in the context of the unsuccessful candidates who have placed reliance on this CD not coming forward with a claim that they have taken the video themselves. Under these circumstances, we are inclined to hold that the version of the TRB deserves acceptance.

36. Some of the unsuccessful candidates criticised the examiners for selecting Private Coaching Institutes. However, it is to be borne in mind that the examination centres were identified not by the TRB, but by NSEIT as per the agreement they have entered into with TNeGA. They have to identify the centres based on the city locations and approximate number of candidates. Private Engineering Colleges were mostly selected as Examination Centres. In view of the said agreement, NSEIT identified the examination centres. NSEIT have reported that these Private Coaching Institutes are tuned to conduct recruitment examinations and they have conducted high stake online examinations for Railway Recruitment Board, GATE, BSNL etc. (Annexure - 21) If so, there is nothing wrong or



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blame worthy in selecting Private Coaching Institutes as examination centres.

37. The unsuccessful candidates would allege that the scheduled timing of the examination from 10 am to 1 pm got stretched beyond 1 pm. S.Periasamy (19PGCI4502277) would allege that his papers got auto submitted before completion of 180 minutes. The following unsuccessful candidates and some others alleged that they faced server related issues.

R.Nithya (19PGCI4600521)
C.Menaka (19PGCI4502105)
S.Sathiyaraj (19PGCI4506289)
M.Bhoopathy(19PGCI4510129)
N.Malathi (19PGCI4600020)
G.Subhashini (19PGCI4600029)
A.Arulmary (19PGCI4600120)
P.Venkatesan (19PGCI3000005)
J.Balaji (19PGCI3000193)
S.Sahana (19PGCI3000216)
R.Nagalakshmi (19PGCI4600185)
R.Geetha (19PGCI1200540)
R.Kalaivani (19PGCI1200429)
M.Nathiya (19PGCI1601462)
R.Senthamarai (19PGCI2200042)
J.Sudha (19PGCI2200371)
D.Saravanakumar (19PGCI2500087)
P.Vimala (19PGCI4506758)
G.Kaliraj (19PGCI3200194)
T.Abhiya (19PGCI3400726)

38. The other grievance of N.Indirani (19PGCI4510474), M.Bharathi (19PGCI4510842), S.Arunkumar (19PGCI1100953), K.M.Padmapriya (19PGCI4510842), P.Prabhu (19PGCI4501630) and R.Manimozhi (19PGCI4504926) is that the questions were not displayed legibly in their systems and they were not in a position to click the correct answer. R.ArulAnand (19PGCI3400655) alleged that the examiners provided laptops supplied by the Government. K.Yadhavan (19PGCI4512913) alleged that no mouse was provided to him during the examination. C.Devadoss (19PGCI4512588) alleged that answers were not saved. R.Geetha (19PGCI1200540) and R.Kalaivani (19PGCI1200429) alleged that their systems were not properly working during the examination. N.Arunagiri (19PGCI1201643) in his representation has alleged that his system was changed twice.



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39. A decisive material in this behalf is the log details of the candidates and the log details would speak volumes about what transpired in the examination as to when the examination commenced, when it ended, how much time was availed by the candidates, durations of interruptions, reports on the restart of the examination after the interruptions were over and the exact details of answers given by the candidate. NSEIT furnished log files in respect of all the candidates who have sent their representations. Wherever the log files could not be provided due to technical failure, they have produced View Question Paper (View QP) of the candidates and Candidates Response Report (CRR) generated from server logs, showing the exact response marked by the candidates in respect of each question till auto submission on completion of 180 minutes. When we closely examine the log files, candidates response report and view question paper, the inevitable conclusion is that the allegations levelled by the unsuccessful candidates are wholly unsustainable. This in our considered view is the material which clinches the issue.

40. We find no reason to discredit the log details of candidates and their Response Report. NSEIT had been selected as System Implementation Partner by TNeGA. They have conducted high stake examinations such as Railway Recruitment Board, Railway Protection Force, etc. They have shown that they have the expertise to conduct high stake examinations in LAN / Computer Based Module.

41. It is seen that some candidates faced interruptions and scheduled time got stretched beyond 1 pm on account of issues that developed in the system. But significantly in no case the prescribed duration of 180 minutes got extended in as much as the time consumed by interruptions caused by technical issues have been excluded from the duration (180 minutes) of the examination.

42. Regarding the grievance of display error, it may be pointed out straight away that if the candidate experienced such a difficulty they ought to have brought it to the knowledge of the invigilators and other examination related staff who were then available in the centre and got it corrected. Necessary



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instructions have been issued by NSEIT on page 13 of Annexure 12, that "In case your PC restarts or if the exam screen stops working due to technical reasons please call one of us for assistance. We will restart the exam from the same point where it had stopped. All your previous answers will remain saved". They have answered all the questions as per the log details. Therefore, it would be too late in the day to make such an allegation at this distance of time. It looks as though allegations have been made only for the purpose of the case. In the absence of any material in this behalf, we feel that such an allegation is frivolous.

43. It is alleged by D. Satheeshkumar (19PGCI4502595) that invigilators gave direct URL to log in and this arrangement helped parallel search from Google. It has been made clear by the NSEIT that the examination was conducted using LAN and does not require internet connection. Therefore, we hold that there is no basis for making this allegation.

44. S.Sivakumar (19PGCI14511395) alleged that, at Sri Ramakrishna Educational Institutions, Perambalur, the invigilators had issued the following IP address to the candidates:

<https://192.168.20.17:ExaminationportalwebLoginPage.Jsp>

Username: kfngurQkams

Password: T@ng@#et.

45. In their response, NSEIT said that the above link refers to Secure Browsing Tool (SBT), which is a browser developed by NSEIT. SBT access to any particular candidate or venue is provided by the Technical team after making suitable changes from the backend. Only those who are provided access can login and use the tool. SBT will not allow a candidate to switch window, so he cannot access any other application. SBT also restricts to change examination URL on same windows (so candidate cannot browse internet) or does not allow any other URL. S.Sivakumar has taken the examination in a different centre. He cannot be said to possess direct knowledge. We see no reason to reject the clarification offered by the NSEIT.

46. It is alleged that the candidates were allowed to sit wherever they felt convenient and such a situation enabled the candidates to



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indulge in group discussion. It is also alleged that the candidates brought mobile phones and books inside the examination hall and used them to search answers. They have also pointed out that there is no partition in between systems and the absence of partition enabled the candidates to copy answers from the person sitting next. As has already been pointed out, the candidates were to answer 150 questions. Duration of examination was 180 minutes. As per the onscreen instructions to candidates (Page No-15 of Annexure 12), only one question will be displayed on the screen at a time. Each question will have 4 alternatives. The sequence of questions and their respective answers will differ from candidate to candidate. Moreover, there are time limitations. Therefore, in our considered view, there is no scope for any consultation with anybody in the vicinity, including the candidate sitting next. It is to be borne in mind that it is a competitive examination and every candidate would be scored over other candidates for after all his success in the examination depends upon his competitive performance and in such state of affairs, there could hardly be any scope for one candidate going to the aid of the other. The examination was also conducted under the strict supervision of invigilators and monitored by officials from Education Department. The allegations are without basis and liable to be rejected and rejected accordingly.

47. The Chief Educational Officer, Namakkal District was appointed as Observer to monitor the examination at KSR Engineering College of Namakkal District sent a report to the Chairman, TRB on 24.6.2019. Copy of his report is enclosed (Annexure-22). The report indicates that due to technical issues, certain number of candidates could not complete their examination. The Chief Educational Officer, Thanjavur was appointed as Observer to monitor the examination at Annai College of Engineering and Technology, Kumbakonam, Thanjavur. He has sent a report to the Chairman, TRB. Copy of his report is enclosed (Annexure-23). In his report, he has stated that 156 candidates could not complete their examination. The Chief Educational Officer, Trichy was appointed as Observer to monitor the examination at Kongunadu College of



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Engineering and Technology, Thottiyam, Trichy. Copy of her report is enclosed (Annexure-24). She has stated that there had been no malpractice and certain number of candidates were not able to complete their examination. The Chief Proctor of this centre in his statement dated 23.12.2019 would state that there was no malpractice and all the activities were monitored by the Observer. Copy of his report is enclosed (Annexure-25). The reports made it clear that there was no instance of malpractice in these centres.

48. As far as Cape Institute of Technology, Tirunelveli is concerned, unsuccessful candidates said that, the examination was conducted for 34 candidates in the afternoon. According to them, they might have discussed the questions and answers with those candidates who have attended the examination in the forenoon. It is seen from the video sent by one of the candidates that the candidates who could not commence the examination on time, staged a protest urging the TRB to conduct the examination. In their response, NSEIT pointed out that due to server issues, 34 candidates were not able to log in to their systems, however since the candidates were already agitating and protesting, a decision was made by the Observer not to allow them inside the examination hall in order to ensure that these candidates do not disturb the other candidates who were already inside and writing the examination. NSEIT asserted that they ensured that there was no communication between the candidates who were writing the examination and candidates who were waiting for the examination to begin. In this connection, the Chief Proctor gave his statement dated 23.12.2019 to the TRB (Annexure-26). According to him, they had arranged a separate room for waiting to avoid point of contact between the candidates who were writing the examination and the candidates who were waiting for the examination to begin. The report of NSEIT is enclosed (Annexure-27). The candidates who took the examination in the afternoon participated in the examination wholeheartedly. Therefore, there could be no scope for any genuine grievance.

49. The candidates from Kingston College of Engineering, Vellore stated that they faced



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technical issues and their examination was delayed. It is seen from the response furnished by the NSEIT in Annexure-27 that the connectivity issues were rectified and candidates were allowed to appear in batches. Candidates' parents and their companions staged a protest. However, as per the log details, all the candidates completed their examination by 3.46 pm. The fact, on account of technical issues, scheduled time 10 am to 1 pm could not be adhered to, but all the while, the duration of 180 minutes has not been curtailed nor has it been extended to the prejudice of anybody. Therefore, there could be no scope for genuine grievance.

50. R. Jinisha (19PGCI1800555), a candidate who was originally allotted to Ponjesly College, Kanniyakumari, took the examination at St. Xavier's Catholic College of Engineering, Kanniyakumari. Due to LAN connectivity issues, she was shifted to St. Xavier's Catholic College of Engineering. She alleged that she was unable to answer more than 50 questions. In their response, TRB has pointed out that due to LAN connectivity issues, 43 candidates were shifted to St. Xavier's Catholic College of Engineering with their (TRB) approval. As per the log details pertaining to this candidate, she has availed the entire duration of 180 minutes and attempted all 150 questions. Therefore, her case is liable to be rejected.

51. Premkumar Sathyanarayanan (19PGCI1100926) alleged that candidates who have been assigned roll numbers one after another in succession scored the same mark verifiable from the list of candidates who have been called for certificate verification and as such those candidates might have indulged in copying from one another. We have already noticed that, there was no auto seat allocation for this examination and also the candidate has no choice in selecting his own seat. The invigilator needs to assign a seat for the candidate. It is asserted by the NSEIT that seats were allotted to the candidates in a random manner. The report on the analysis made on this allegation is enclosed (Annexure-28). Since the computers/seats were allotted in a random manner, the prospect of the candidates resorting to malpractice as alleged would appear to be too remote. In the absence of



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any material to support the contention, the allegation made in this behalf is stated only to be rejected.

52. R. Shanmugasundaram (19PGCI2200285), R. Mariappan (19PGCI2200324) and Poonguzhali (19PGCI220335) took the exam at EGS Pillay Engineering College, Nagapattinam. In this centre the examination was conducted in batches, due to server related issues. These three candidates took the exam in the same batch and the log details do not show any anomaly. R. Shanmugasundaram alleged that candidates were allowed to login multiple times and complete the examination with the help of the invigilators, that candidate R. Mariappan was working as a computer instructor at EGS Pillay Engineering College and he has come out successful in the exam with the support of invigilators known to him. He has further alleged that Poonguzhali adopted fraudulent means to come out successful in the exam and get appointed. Mariappan, Shanmugasundaram and Poonguzhali were enquired by one of us (Shri S.S. Krishnamoorthy) over phone. Mariappan and Poonguzhali refuted the allegations made against them. Mariappan sent a letter denying the allegations (Annexure-29). It is not in dispute that Mariappan worked at EGS College at the time of examination, however that itself would not be a circumstance to attribute such a malpractice to him in the absence of any material.

53. There is no provision for the CP/Invigilator to edit/reset the candidate's credentials. Once the candidate logs in, the data will be logged into the server and the same can be verified using the Audit log report. Due to server/LAN issues, the candidates who were not able to take the examination were only allowed to login to a different system. The logs of Mariyappan (TRBPGC9870490) and Poonguzhali (TRBPGC1638667) were verified and found that they have written the examination only once. The allegation of Shanmugasundaram does not deserve to be countenanced.

54. Certain candidates have raised the issue of delay in the commencement of the examination in KLN College of Information and Technology, Sivagangai. The examination was delayed due to server and network connectivity issues. The candidates got agitated over this issue and the



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examination in this centre was delayed for hours. There was demonstration by the candidates and their companions. District authorities intervened and sorted out the issue. All the 365 candidates scheduled to take the examination in this centre completed it successfully. The version of NSEIT is supported by log details.

55. Details of pass percentage in respect of all centres are furnished. (Annexure-30). A close consideration of pass percentage would not reveal anything abnormal or anomalous and pass percentage would appear to be quite reasonable and genuinely reflecting the performance of the candidates in all the centres. This would only impel this Committee to conclude that there could not have been any malpractice worth the name.

56. Of the 30833 candidates scheduled to take the examination on 23.06.2019, 25982 candidates appeared. 21742 candidates completed the examination before 01.30 pm and another 1588 candidates completed their examination before 02.00 pm. Put together, this constitutes 89.79%. In 59 centres, the examination was completed before 1:30 pm without any technical glitches. In 43 centres, the examination was completed before 3:00 pm without any major technical glitches. In 14 centres rectifiable issues cropped up, resulting in delay. Examination was rescheduled for those candidates from the said three centres who could not complete the examination due to technical issues.

57. K.Rajkumar (19PGCI2700119) took the examination at Syed Ammal Engineering College, Ramanathapuram. He alleged that TRB allowed 10 candidates to write the examination in a separate room. NSEIT has reported that the candidates who were not able to take the examination due to server issue were taken to Labs where the LAN connectivity was stable. The hall movements were accompanied by the examination invigilators who oversaw the process. The candidate must have misconstrued this hall movement and raised this allegation. There is no material pointing to favoritism to those candidates during the examination. We find that there is no basis for making this allegation.

58. R.Naveetha, (19PGCI4509460) one of the unsuccessful candidates, in her affidavit has



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stated that some candidates without her consent grouped around her table, used her computer and viewed the questions and shared them with others via mobile phones. She claimed that she was the only candidate to complete the examination on 23.6.2019. However, as per the details provided by the TRB, Kongunadu Engineering College, where the candidate wrote the examination, 26 candidates successfully completed their examination. As already noticed, NSEIT staff and TRB observer team were present in the centre. In these circumstances, it is impossible to believe that the computer allotted to her was used by some other candidates. Her statement deserves to be discarded straight away.

59. S.Senthilkumar (19PGCI4509859), another candidate from this centre has stated that he did not click the answers and did not submit his answers, but the system took it as if he has completed the examination. As per the instructions to be read out by the invigilator before every session of the examination, and onscreen instructions to candidates, the answers are automatically saved by clicking on the next button. Only after expiry of 180 minutes, the paper will be auto submitted. In case of any technical problem, the candidate ought to have informed the invigilator and examination related staff and got it rectified. It is nobody's case that system has been manipulated or meddled. His log details shows that, he has attempted all the questions. Hence, there is no basis for the candidate to make any complaint.

60. Balaji, Naveetha and some of the unsuccessful candidates, alleged that though they faced repeated disruptions during the examination, the examination was not rescheduled for them. According to them, similarly placed candidates' examinations were rescheduled. As already pointed out, every activity of candidate is captured in the candidate's response log. As per their log details, they had availed the complete 180 minutes duration for their examination. They have not produced any material such as Names/Roll numbers of the candidates to show that candidates who have availed 180 minutes appeared again in the re-examination. TRB would assert that no candidate who utilised the entire 180 minutes and auto submission done,



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was allowed in the re-examination held on 27.6.2019.

61. Some of the candidates alleged that seats were not allotted according to their Roll Numbers. As per the Process Manual Project/Standard Operating Procedure, candidate has no choice in selecting his seat. The Invigilator assigns the seats for the candidates. In Computer Based Test, computers are allotted to candidates by the examiners. It requires the candidate to sit in front of a computer allocated to him. The candidate will have to enter his login id and password to Login. Till the examination is started, candidate may be allowed to choose any PC. Once the ID is opened on any system, then it is MAC ID Bound and candidate cannot move to other system.

62. P.Venkatesan (19PGCI3000005), (PWD candidate) from Annai College of Engineering and Technology alleged that he found it difficult to locate his examination hall which caused mental tension to him. In their response, TRB pointed out that hall/room allocation of candidates were prominently displayed in the notice board for the candidates to check and report to the assigned halls. A perusal of his log details, would show that he has successfully completed his examination on 23.6.2019. Hence, there is no basis for making any complaint.

63. Some of the unsuccessful candidates alleged that they have undergone mental stress due to the repeated interruptions on account of Server/LAN problems and they were unable to perform well in the examinations. This could hardly be a ground for mental agony in as much as these technical issues are incidental to an online/Computer Based Examinations. In examinations of this nature, technical issues might crop up at any time.

64. A call log register was maintained by NSEIT to monitor the proceedings in all the examinations centers on the day of examination. All the minor and major problems reported and resolved are recorded. Extracts from the call register maintained for the examination day on 23-06-2019 are enclosed. (Annexure -31) This shows that NSEIT's preparedness to handle any technical issues that may crop up during the examination.



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65. The response of the TRB and the NSEIT obviously has been based on the input given by the examination related staff. As a corollary, had there been any instance of malpractice, such an instance would have been reported to the TRB officials and the very fact that no report has been made, irresistible inference has to be drawn that nothing was amiss. A pertinent reference to be made at this juncture to the fact that re-examination was conducted for those candidates who could not complete the exam from three centres due to technical issues. The need for conduct of re-examination did not arise in respect of the remaining centres. This would bear testimony to the conduct of the examination in a fair manner.

66. The grievance of some candidates was that questions were not framed in Tamil, that question paper was not as per syllabus, that questions were not properly framed, that the key answers were not correct, that weightage of mark was not properly given and that the adoption of normalisation method was not proper. Even though such pleas are taken, the Committee would not be in a position to address the above pleas, since such pleas would not come within the amplitude of the expression "malpractice" in the conduct of the examination and as such are thoroughly extraneous to the ambit of the enquiry by the Two Member Committee.

67. The Representations/Affidavits along with response received from TRB and NSEIT along with log details etc in respect of all the 192 representations are enclosed. (Annexure - 32)

68. The other grievances of some candidates are that they have not been called for Certificate Verification, that they were called for Certificate Verification but could not attend, that the issue of cross major was raised against their interest, and that benefit of reservation for inter-caste marriage was not given. Some other candidates have come out with a request for a job, some have simply sent their certificates and some have raised no grievances at all. The Committee would not be in a position to address these issues since they are thoroughly extraneous to the scope of the enquiry by the Committee.

69. Both of us have given our anxious considerations to the various facets of the



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matters in issue, bearing in mind the larger interest of the examinees, but still we are not able to persuade ourselves to subscribe to the view that the conduct of the examination was vitiated as alleged by the failed candidates. The unsuccessful candidates participated in the examination wholeheartedly and it would not be in the fitness of things to level every conceivable allegation in the conduct of the examination. The allegations by their very nature are indefinite more on realm of guesses and surmises. A close look at the allegations would reveal that the candidates who took the examination in one centre would appear to focus more on alleged irregularities in other centres and making sweeping allegations. The claim of the failed candidates would look to our mind, to be more speculative and game of chance. In the absence of any concrete proof casting a cloud of suspicion on the conduct of the examination could not be considered to vitiate the examination. Casting a cloud of doubt would not be synonymous with truth. There is no material to impeach the credibility in the conduct of the examination.

70. We have considered all the allegations of the unsuccessful candidates, we have had due regard to the version of the successful candidates as also the responses of the TRB and NSEIT in this behalf. We are of the considered view, that the allegations of irregularities in the conduct of the examination in question are unsustainable. The examination has been conducted in substantial compliance with the requirement of the procedure and there appears to be no circumstance vitiating the examination. We submit our report in the above terms for consideration by the Hon'ble Court."

8. The aforesaid report is self explanatory. On analysing the entire report, I am of the view that the petitioners herein, as well as the unsuccessful candidates, who had appeared before the Two Member Committee have failed to substantiate the allegations of irregularities, beyond reasonable doubts. As such, I do not find any reason to interfere with the well founded reasonings and findings of the Two Member Committee and accordingly, the report dated 31.05.2021, is hereby ratified.

9. In view of the report of the Two Member Committee, the allegations of the petitioners herein, which are the



foundational grounds raised in these Writ Petitions also, stands rejected. Consequently, the Teachers Recruitment Board is directed to forthwith finalize the Selection List dated 28.11.2019 and subject the same to further selection process, if any, and thereafter forward the same to the concerned departments of the Government of Tamil Nadu for issuance of necessary appointment orders. The Teachers Recruitment Board shall ensure that the aforesaid entire process be completed, atleast within a period of two weeks from the date of receipt of a copy of this order. Consequently, the connected Miscellaneous Petitions are closed. There shall be no orders as to costs.

11.08.2021

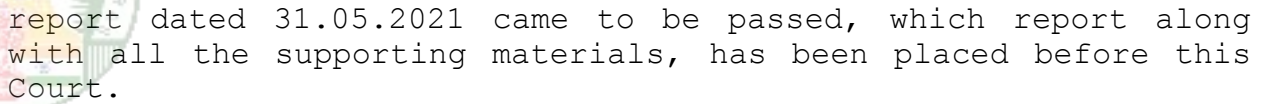
DP

By an order dated 11.08.2021, this Court had dismissed the aforesaid Writ Petitions with certain directions.

2. Pending these Writ Petitions, the Hon'ble Mr. Justice N. Authinathan (Retd.,) was originally appointed as a One Man Committee, to conduct an enquiry into certain alleged irregularities/ malpractices in connection with three identified examination centres, through an order passed by the learned Single Judge of this Court, dated 17.12.2020. In the said order, the remuneration of the learned Single Judge was fixed at Rs.3,50,000/-, which was exclusive of the actuals which the learned Judge may incur in discharge of his function. Pursuant to the orders of the learned Single Judge, the Hon'ble One Man Committee had conducted a detailed enquiry and after completing the same, had submitted his report dated 30.01.2021 before this Court in a sealed cover.

3. In this background, some of the petitioners had preferred an appeal against the interim orders passed by the learned Single Judge dated 17.12.2020, before a Hon'ble Division Bench of this Court. Through orders dated 10.02.2021, passed in W.A.Nos.330 & 398 of 2021, the Hon'ble Division Bench had partially modified the learned Single Judge's order, by converting the One Man Committee into a Two Member Committee, comprising of the existing One Man Committee member namely, the Hon'ble Mr. Justice N. Authinathan (Retd.,) and permitted him to induct a retired Police Official, not below the rank of a Deputy Inspector General of Police and enquire into the issue, as a Two Member Committee. The Hon'ble Division Bench while passing the order had also assigned the task of fixing the remuneration to this Court, for the Two Member Committee.

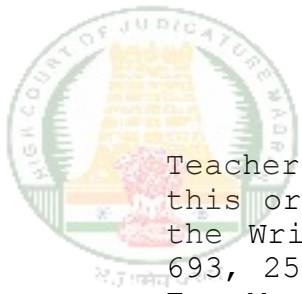
4. Accordingly, Sri. S.S. Krishnamoorthy, Inspector General of Police (Retd.,) was inducted into the Committee and a final



6. It would be pertinent to mention here that even before the Hon'ble Division Bench had modified the One Man Committee into a Two Member Committee, the Hon'ble Judge (Retd.), acting as a One Man Committee, had already completed his enquiry and had prepared his report dated 30.01.2021 also. The report of the One Man Committee is also supported by various documents. For the limited purpose of fixing his remuneration, report of the One man Committee together with the supporting documents were also perused. This Court is of the view that the report, dated 30.01.2021 is exhaustive and is the outcome of a full fledged enquiry and therefore, the original remuneration of Rs.3,50,000/- fixed for the learned Judge (Retd.), seems to commensurate with the work exercised by the One Man Committee. Hence, this remuneration does not requires to be treated as a part of the subsequent assignment given to the learned Judge, in his subsequent role as a part of the Two Member Committee.

8. Accordingly, the TRB is called upon to pay a sum of Rs.5 lakhs to the Hon'ble Mr. Justice N. Authinathan (Retd.,) and further a sum of Rs.5 lakhs to Sri S.S. Krishnamoorthy, Inspector General of Police (Retd.,) by way of remuneration for executing the work assigned to them by the Hon'ble Division Bench of this Court in its order dated 10.02.2021 passed in W.A.Nos.330 & 398 of 2021. The Teachers Recruitment Board shall endeavor to disburse these payments as expeditiously as possible, preferably, within a period of one week from the date of receipt of a copy of this order.

<https://hcservices.ecourts.gov.in/hcservices/>



Teachers Recruitment Board. The Registry shall also communicate this order along with the final order dated 11.08.2021 passed in the Writ Petitions in W.P.Nos.35198, 35202 & 35539 of 2019 and 693, 2549 & 2640 of 2020 to each of the respected Members of the Two Member Committee, namely, Hon'ble Mr. Justice N.Authinathan (Retd.,) and Sri S.S.Krishnamoorthy, Inspector General of Police (Retd.,).

10. This Court would like to place on record its appreciation on the extensive and exceptional task undertaken by both the Members, in assisting this Court, by conducting the enquiry and submitting the report.

11.08.2021

DP

Sd/-
Assistant Registrar(CS-VI)

// True Copy //

Sub Assistant Registrar

To

- 1.The Chairman / Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai-600 006.
- 2.The Director of School Education,
O/o.The Directorate of School Education,
College Road, Nungambakkam,
Chennai-600 006.
- 3.The Secretary,
The State of Tamil Nadu,
Department of School Education,
Fort St. George,
Chennai - 600 009.
- 4.The Director of School Education,
DPI Campus, Chennai - 600 006.
- 5.The Chief Secretary,
State of Tamil Nadu,
Fort St. George,
Chennai - 600 009.



6.The Principal Secretary to Government,
School Education Department,
Secretariat, Chennai - 600 009.

7.The Hon'ble Mr.Justice N.Authinathan (Retd.),
Former Judge, Madras High Court,

8.Mr.S.S.Krishnamoorthy I.P.S.,
Retired Inspector General of Police,

9.Mr.K.Tippu Sultan,
Government Advocate

10.Mr.K.V.Sanjeev Kumar,
Government Counsel

+3ccs to C.Uma, Advocate SR.Nos.39561, 35371, 39560

+1cc to M.Nirmal Kumar, Advocate SR.No.39898

+1cc to the Government Advocate SR.No.40075

W.P.No.35198, 35202 & 35539 of 2019
and 693, 2549 & 2640 of 2020

&
WMP.Nos.35980, 35984, 35987, 35988, 36386, 36388,
36390 & 36391 of 2019

and
WMP.Nos.836, 838, 840, 841, 2965, 3077 & 4087 of 2020

JP(CO)
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