



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 02.03.2021

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. (MD) .No.25080 of 2016

and

W.M.P. (MD) .No.18147 of 2016

A.Sebastian Selvaraj

.. Petitioner

- Vs -

The Member Secretary,
Tamilnadu State Eligibility Test (TNSET),
Mother Teresa Women's University,
Kodaikanal- 624 102,
Dindigul District.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, to direct the respondent to declare the petitioner as an eligible candidate upon issuing marks on invalid questions after revaluing the question Nos.(Paper III, Question Nos.2,3,8,15 and 28) pursuant to the representations dated 10.11.2016 & 15.11.2016 and consequently directing the respondent to call for the petitioner for certificate verification.

For Petitioner	: Mr.V.Illanchezian
For Respondent	: Mr.E.V.N.Siva
	Standing Counsel

ORDER

It is the case of the petitioner that he is a post-graduate and passed M.Phil., in Mathematics as well as Post Graduate Diploma in Computer Application. The petitioner appeared for Tamil Nadu State Eligibility Test (TNSET-2016) for the post of Assistant Professor conducted by the respondent on 21.02.2016. Though on valuation the petitioner was awarded with 190 marks, however, he was not awarded marks for the correct answers for which he would have got 10 marks. The cut off mark for B.C. Category is 192 for the eligibility for certificate verification. In this regard, the petitioner submitted representation to the respondent, which has not evoked any response and, therefore, the present petition has been filed for the relief supra.

2. The learned counsel appearing for the petitioner submits that though correct answers have been given by the petitioner, however, the answers given in the key answer book is wrong and, thereby, the petitioner has been deprived of ten marks. Therefore, he prays for appropriate direction to the respondents to grant the marks and to consider his candidature for selection and appointment.



3. On the above contentions, this Court heard the learned Standing Counsel appearing for the respondent and perused the materials available on record.

4. A perusal of the materials available on record reveal that the selection had taken place in the year 2016. However, no interim order has been granted by this Court reserving any post to be kept vacant. Though it is the submission of the petitioner that the answers given by him is right for which marks has not been awarded, it is to be pointed out that the issue is a technical issue, which has to be gone into by the concerned authorities at the relevant point of time. After a lapse of four years, when all the posts have been filled up and no post is kept vacant and no interim orders were granted in favour of the petitioner, at this distant point of time, after a lapse of four years, it would not be justifiable for this Court to reopen the selection and render a verdict. The expert opinion as to the answers given in the key answer book cannot be substituted with a judicial opinion as it is within the realm of experts to decide on the answers. Trying to undo a particular selection at this distant point of time would not be in the interest of the persons, who had already been appointed and who have been functioning till date.

5. In such view of the matter, this Court is of the considered opinion that the points canvassed by the petitioner at this length of time cannot be gone into and, accordingly, the writ petition fails and the same is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Member Secretary,
Tamilnadu State Eligibility Test (TNSET),
Mother Teresa Women's University,
Kodaikanal- 624 102, Dindigul District.

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