



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P. (MD)No.15740 of 2017
and
W.M.P (MD) .No.12458 of 2017**

K.Manikandan

... Petitioner

Vs.

1. The Director of School Education,
College Road, DPI Complex,
Chennai-600 006.

2. The Chairman,
Teacher's Recruitment Board,
E.V.K.Sampath Building,
College Road, DPI Campus,
Chennai-600 006.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 2nd respondent to award 1 mark for question No.13 in respect of Botany Paper Booklet Series 'C' and to revise the total mark for written examination awarded to the petitioners as 86 and consequently, to allow the petitioner to participate in the further process of selection including Certificate Verification and to select and appoint the petitioner in the post of P.G.Assistant(Botany) under Schedule Caste Reserved Category.

For Petitioner : Mr.G.Sankaran

For R1 : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

For R2 : Mr.VR.Shanmuganathan
Standing Counsel

O R D E R

It is the case of the petitioner that he is a post-graduate and passed M.Ed., M.Phil(Botany) and M.Phil., (Edn.). As well as



National Eligibility Test(NET) conducted by the University Grants Commission(UGC) in the year 2013. The petitioner appeared for Teacher's Recruitment Board(TRB) for the post of P.G.Assistant in School Education in the year 2016-2017, conducted by the 2nd respondent through online on 02.06.2017. Though on valuation the petitioner was awarded with 85 marks, however, he was not awarded marks for the correct answers for which he would have got one mark, thereby, his percentage has fallen short of the requisite 60%. In this regard, the petitioner submitted representation to the respondents, which has not evoked any response and, therefore, the present petition has been filed for the relief supra.

2. 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 one mark. 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 Additional Government Pleader appearing for the first respondent and the learned Standing Counsel appearing for the second 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 2016-2017. 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 five 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 five 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. Consequently, connected



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miscellaneous petition is closed. There shall be no order as to costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

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Sub Assistant Registrar (CS)

To

The Director of School Education,
College Road, DPI Complex,
Chennai-600 006.

+1 CC to Mr.F.DEEPAK, Advocate (SR-9321[F] dated 08/03/2021)

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and

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