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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2022

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THE HON'BLE MR JUSTICE D. KRISHNAKUMAR

W.P.No.3063 of 2022
and
W.M.P No.3221 of 2022

S.Sumathi

Vs.

... Petitioner

The Chairman
Teachers Recruitment Board
4th Floor, EVK Sampath Maaligai
DPI Campus, College Road,
Chennai-600 006.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to refer the question No.49 in the Tentative Key list corresponding question No.33 in the petitioners answer book to the expert committee and evaluate the answer based on the Book "Theory of Function of Complex Variable" written by Shanti Narayanan revised by Dr.P.K.Mittal in revised edition 2010 with ISB No.978-81-219-0639-5 and other prescribed books.

For Petitioner : Mr.Devaraja

For Respondent : Mr.C.Kathiravan,
Standing Counsel for TRB

ORDER

This writ petition has been filed to issue a Writ of Mandamus, directing the respondent to refer the question No.49 in the Tentative Key list corresponding question No.33 in the petitioners answer book to the expert committee and evaluate the answer based on the Book "Theory of Function of Complex Variable" written by Shanti Narayanan revised by Dr.P.K.Mittal in revised edition 2010 with ISB No.978-81-219-0639-5 and other prescribed books.



2. According to the writ petitioner, she has applied to the post of Graduate Assistant based on the notification No.10/2019 dated 12.06.2019 and she has participated in the written examination and secured 82 marks. The respondent, by its proceedings dated 03.10.2019 published the key answers for the questions and invited objection for the tentative key answers from 07.10.2019 to 09.10.2019. The present dispute is in respect of question in serial number 49 of the tentative key which relates to the petitioner's question No.33 in her computer board. According to the writ petitioner, the answer furnished by the respondent Board is a wrong one, whereas she has furnished the correct answer for the same and requested the authorities to award 1 mark for the aforesaid steps in question number 49. Based on the marks awarded by the Board, the petitioner has appeared for certificate verification and subsequently, she was not selected for the aforesaid certificate verification and the provisional list was also published by the respondent Board on 15.11.2021. Now, the instant writ petition has been filed for the aforesaid prayer to award 1 mark to the petitioner in respect of question number 49 and to include her name in the selection list.

3. The learned Standing Counsel appearing for the respondent Board would submit that pursuant to the key answers published by the respondent Board, objections have been received from various candidates and thereafter, the aforesaid question number 49 has been referred to Expert Committee. Based on the decision of the Expert Committee, correct key answer is 'C' for the aforesaid question number 49. Further, he submitted that the petitioner has approached this Court belatedly and therefore, this writ petition is not maintainable either in law or on facts.

4. In view of the aforesaid reasons stated by the respondent Board, the petitioner did not seek his remedy within a reasonable time for any grievance for awarding the marks for question number 49. Accepting the key answer 'C', the petitioner has participated in the certificate verification conducted by the respondent Board and the provisional selection list was published by the respondent Board on 15.11.2021. The learned Standing Counsel relied on the decision rendered by this Court in W.A No.1097 and 1099 of 2014, wherein it is held as follows:

"4. Admittedly, the final key answers have been made by an expert body constituted. The appellants are not able to demonstrate before us that the said key answers are not correct. In this regard, it is quite opposite to point out a



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Division Bench judgment dated 20.12.2012 passed by this Court in W.A.No.837 of 2010, wherein, the methodology adopted in not awarding any mark to certain questions, was approved. This apart, the appellants cannot seek marks without even knowing as to whether the answer given by them was correct or not".

Apart from this, this Court, in W.P No.29605 of 2013 has held that the correctness of the said questions has already been decided by this Court in earlier writ petitions and the aforesaid judgment was confirmed by the Division Bench of this Court in W.A.No.1097 of 2014. In the light of the aforesaid facts and decisions cited supra, especially dealt with recruitment, there is no merits in this writ petition and the same is liable to be dismissed.

5. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

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To

The Chairman
Teachers Recruitment Board
4th Floor, EVK Sampath Maaligai
DPI Campus, College Road,
Chennai-600 006.

+1cc to Mr.M.Devaraj, Advocate, S.R.No.10950

+1cc to M/s.S.Sumathi, Advocate, S.R.No.11165

W.P.No.3063 of 2022 and
W.M.P No.3221 of 2022

NR(CO)
SU(22/03/2022)