



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.Nos.7388 & 7395 of 2022

and

W.M.P.Nos.7401, 7402, 7403, 7404, 7405 & 7407 of 2022

K.Subramani ...Petitioner in W.P.No.7388 of 2022

S.Sujatha ...Petitioner in W.P.No.7395 of 2022

vs.

1. Teachers Recruitment Board,
Rep. by its Chairman, E.V.K.Sampath Building,
4th Floor, DPI Complex, College Road, Chennai - 06.

2. The Director of School Education,
E.V.K.Sampath Building, DPI Complex,
College Road, Chennai - 06.

... Respondents in both Writ petitions

Prayer in W.P.No.7388 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the relevant records relating the impugned Provisional Selection List of candidates, published in the 1st respondent Web-Site on 04.02.2022, in the examination, for the Direct Recruitment to the post of Block Education Officer (BEO), for the year 2018-2019, in Notification No.13/2019 dated 27.11.2019, by the 1st respondent Teacher Recruitment Board, to quash the same as arbitrary, improper, illegal against the rules and regulations of the respondents, due to assigning of wrong and demonstrably erroneous Wrong Answer Keys, for the 5th session question paper conducted on 16.02.2020 Forenoon, resulting in faulty evaluation of the same, thereby directing the respondents to assign correct answer keys to question no.51 and 67 of the 5th session question paper, to award the respective marks to the petitioner and consequently to select and allow the petitioner for Certificate Verification in the Block Education Officer (BEO), for the year 2018-2019 examination.

Prayer in W.P.No.7395 of 2022: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ



of Certiorarified Mandamus, calling for the relevant records relating the impugned Provisional Selection List of candidates, published in the 1st respondent Web-Site on 04.02.2022, in the examination, for the Direct Recruitment to the post of Block Education Officer (BEO), for the year 2018-2019, in Notification No.13/2019 dated 27.11.2019, by the 1st respondent Teacher Recruitment Board, to quash the same as arbitrary, improper, illegal against the rules and regulations of the respondents, due to assigning of wrong and demonstrably erroneous Wrong Answer Keys, for the 6th session question paper conducted on 16.02.2020 Forenoon, resulting in faulty evaluation of the same, thereby directing the respondents to assign correct answer keys to question no.83 of the 6th session question paper, to award the respective marks to the petitioner and consequently to select and allow the petitioner for Certificate Verification in the Block Education Officer (BEO), for the year 2018-2019 examination.

(In both writ petitions)

For Petitioner : Mr.P.K.Rajesh Praveen Kumar

For R1 : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.C.Kathiravan
Special Government Pleader

For R2 : Mr.V.Manoharan
Additional Government Pleader

COMMON ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus, quashing the impugned Provisional Selection List of candidates, published in the 1st respondent Web-Site on 04.02.2022, thereby directing the respondents to assign correct answer keys to question Nos.51 and 67 of the 5th Session question paper and to question No.83 of the 6th session question paper, to award the respective marks to the petitioner and consequently to select and allow the petitioner for Certificate Verification in the Block Education Officer (BEO), for the year 2018-2019 examination.

3. The case of the petitioner in brief:
The Teachers Recruitment Board had conducted Examination for filling up vacancies in the post of Block Educational



Officer for the year 2018-2019 in Elementary Education Department and such examination was conducted on 14.02.2020, 15.02.2020 and 16.02.2020 through online computer examination. The petitioner in W.P.No.7388 of 2022 had attended forenoon session on 16.02.2020 i.e. 5th session and the petitioner in W.P.No.7395 of 2022 had attended the afternoon session on 16.02.2020 i.e. 6th session.

3.1. The TRB had published tentative answer keys for all the question papers for all the six sessions on 20.02.2020 and had invited objection if any, with regard to wrong answer keys within 20.02.2020 to 26.02.2020. On 27.01.2021, the TRB had published the final answer keys. In the final answer keys, (*) star mark had been given for some of the questions, for which all the options are incorrect and in the foot note it is stated that marks will be awarded for the respective star marked questions, during evaluation.

3.2. Further, the foot note statement was found only in first, third and fourth session answer keys and no such statement was found in second, fifth and sixth session answer keys. For fifth session question paper, there were five (*) star marked questions namely question Nos.4, 48, 50, 114 and 138 and for the sixth session question paper, there were four (*) star marked questions, namely question Nos.33, 73, 114 and 119. With regard to that, representations were made by the candidates, but there was no response. Hence, the petitioner and other candidates filed Writ Petition in W.P.No.4456 of 2021 to award marks for the starred questions and this court vide order dated 27.02.2021, directed the respondents to consider the same. However, without proper consideration, the respondent had issued communications dated 24.08.2021, and 25.08.2021 stating that marks had been awarded for the "starred questions", but due to normalization of marks, there was no much difference.

3.3. According to the petitioners (in W.P.7388, 7395 of 2022), they scored 88 and 87 marks respectively out of 150 and if the marks were added to the starred questions and they will reach the cut-off marks and they will be called for certificate verification. Further, without rectifying the discrepancies in the disputed questions, before commencement of evaluation, the respondents have published provisional selection list on 04.02.2022. Hence this writ petition.

4. The learned Additional Advocate General on instructions submitted that, after publishing tentative key answers, objections/representations regarding the key, received within the stipulated time, had been thoroughly examined by the subject experts and after thorough scrutiny, revised and final Answer Key had been published on 27.01.2021.



5. He further submitted that, after the orders passed by this court in W.P.No.4456 of 2021, W.P.5076, 5081, 5084 of 2021 dated 27.02.2021, the petitioners appeared in person before the Teachers Recruitment Board and their representations were considered in detail. Thereafter, individual communications were also sent to them on 24.08.2021 and 25.08.2021, stating that the revised Answer Key had been published only after the expert committee scrutiny, including the representation of the petitioners and marks were awarded to them with regard to the starred questions and the above communications were not challenged by the petitioners. He also submitted that Certificate Verification had been completed and appointment orders for the selected candidates were also issued and hence, at this stage, the present writ petitions cannot be entertained.

6. Heard the counsels to the parties and I have perused the materials on record.

7. Admittedly, the tentative key answers was issued by the Teachers Recruitment Board on 20.02.2020 and the objections and issues for the same were invited from 20.02.2020 to 26.02.2020. After scrutinizing all the representations, objections and based on the opinion of the subject experts, revised Answer Key was published on 27.01.2021. The contentions of the petitioners is that, with regard to the starred questions, they were not awarded additional marks. But, the objections and the representations of the petitioners were considered by the Teachers Recruitment Board and a detailed communications were sent to them on 24.08.2021 and 25.08.2021, narrating the fact that already marks were added to them for the starred questions and only after thorough scrutiny by the subject experts, final answer key was published. The above communications were not challenged by the petitioners. After lapse of more than one year from the date of publishing the final answer keys, the petitioners have filed the writ petitions to quash the impugned provisional selection list of candidates published on 04.02.2022, on the ground that the key answers for some of the questions in the 5th and 6th session questions papers are wrong. Such ground raised by the petitioners cannot be accepted. Further, as per the submission made by the Additional Advocate General, it is clear that already certificate verification was conducted on 19.01.2022 and 20.01.2022 and thereafter, appointment order was also issued to the selected candidates. At this juncture, this writ petition to quash the impugned provisional selection list of candidates published on 04.02.2022 is not maintainable and hence, the writ petitions are liable to be dismissed.

8. Accordingly, the writ petitions in W.P.7388 of 2022 and



W.P. 7395 of 2022 are dismissed. No costs. Consequently, connected writ miscellaneous petitions are closed.

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Sd/-
Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

mst

To

1. The Chairman,
Teachers Recruitment Board,
E.V.K.Sampath Building, 4th Floor, DPI Complex,
College Road, Chennai - 06.
2. The Director of School Education,
E.V.K.Sampath Building, DPI Complex,
College Road, Chennai - 06.

+2ccs to Mr.P.K.Rajesh Praveen Kumar, Advocate, S.R.No.22628,22629

+1cc to the Government Pleader, S.R.No.22680

W.P.Nos.7388 & 7395 of 2022

SS (CO)
SU (06/05/2022)
SU (10/05/2022)