



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.15379 of 2022

1.D. Baskaran
2.Kandasamy
3.K.Ashokkumar
4.S.Sivakkumar
5.A.Manivel
6.C.Mercy Philominal
7.K.Rajavel
8.M.Prabhu

... Petitioners

vs.

1.The State of Tamil Nadu
Represented by its Secretary,
School Education Department,
Secretariat,
Chennai.

2.The Chairman,
Teachers Recruitment Board, 4th Floor,
EVK, Sampath Malaigai,
DPI Compound, College Road,
Chennai.

3.The Member (School Education),
Teachers Recruitment Board,
Chennai

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India for writ of Mandamus directing the respondents to award marks and appoint the petitioners for the post of Post Graduate Assistant (Chemistry Subject) within time bound manner by considering their representation dated 06.05.2022.

For Petitioners : Mr.K.Myilsamy

For Respondent 1 : Mr.K.H.Ravikumar
Government Advocate

For Respondents 2 & 3:C.Kathiravan,
Special Government Pleader



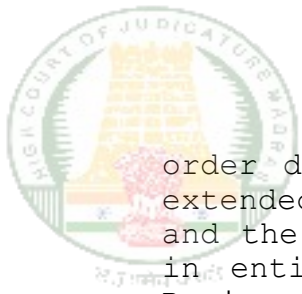
ORDER

This writ petition has been filed for a mandamus seeking for a direction to the respondents to award marks and appoint the petitioners for the post of Post Graduate Assistant in Chemistry within a time bound manner by considering the petitioners' representation dated 06.05.2022.

2. Mr.K.H.Ravi Kumar, learned Government Advocate accepts notice on behalf of the first respondent and Mr.C.Kathiravan, learned Special Government Pleader accepts notice on behalf of the second and third respondents. By consent of both parties, this writ petition is taken up for final hearing in the admission stage itself.

3. The respondents after conducting the first stage of written examination for various posts had published tentative answer keys for the questions in their official website on 19.07.2017. The petitioners applied for the post of Post Graduate Assistant in Chemistry and have written the examination. The petitioners found that there are lot of mistakes, discrepancies and confusions in the published tentative answer keys. The petitioners have made representation to the respondents for rectifying those mistakes. However, according to the petitioner, the respondents without forming an expert committee have published tentative answer keys as final answer keys and published results on 11.08.2018. Some of the candidates who had also written the examination had filed W.P. (MD). No.15953 of 2017 before this Court for awarding marks in respect of defective questions and the same was allowed by order of this Court dated 20.09.2017. This Court in the said order directed the award of marks towards the defective questions namely Question Nos.10, 14, 43, 63, 72 & 99 in booklet series A and totally six marks were granted. The petitioners claim that they are similarly placed and they have not approached this Court earlier. According to them, if these marks are awarded to them, they will be successful candidates and they will be in the zone of consideration and eligible to be appointed for the post of Post Graduate Assistant in Chemistry.

4. According to the petitioners, aggrieved by the order dated 20.09.2017 passed in W.P.(MD).No.15953 of 2017, the respondents filed W.A.Nos.194 to 199 of 2018 before this Court and the same was disposed of vide order dated 16.02.2018. In the said writ appeal, the Division Bench of this Court clarified that though there are many writ petitioners, award of marks were confined only to those candidates who were in the zone of consideration and further, held that the benefit of the order cannot be extended to any other candidates. Therefore, a review application has been filed in Rev.Aplw (MD) No.153 of 2019 dated 19.09.2019 and in the said order, the benefit of the earlier



order dated 16.02.201 passed in W.A.Nos.194 to 199 of 2018 was extended to all the candidates who have not approached the court and the respondents were directed to re-do the selection process in entirety. As against the order dated 19.09.2019 passed in Review Application (MD) No.153 of 2019, the respondents have also preferred an SLP before the Hon'ble Supreme Court in SLP.D.26469 of 2020 and the same was dismissed by order dated 29.04.2022. Thus, the order passed in Review Application (MD). No.153 of 2019 dated 19.09.2019 by the Division Bench of this court has attained finality and is binding on the respondents. Therefore, according to the petitioners, they are eligible candidates and are entitled for extra six marks. The petitioners have given a representation dated 06.05.2022 calling upon the respondents to award six marks in addition to their existing marks awarded to them and appoint them as Post Graduate Assistants in Chemistry. Since the said representation has not been considered till date, the petitioners have filed this writ petition.

5. Heard Mr.K.Myilsamy, learned counsel for the petitioner and Mr.K.H.Ravi Kumar, learned Government Advocate appearing for the first respondent and C.Kathiravan, learned Special Government Pleader appearing for the second and third respondents.

6. Learned Special Government Pleader appearing for the second and third respondents fairly submits that since the order passed in Review application on 19.09.2019 by the Division Bench of this Court has attained finality in view of the dismissal of the SLP, the respondents will have to re-do the entire process of selecting the respective candidates for the various posts. He would submit that three months time is required for completing the process. The said statement is recorded.

7. Learned counsel for the petitioners has also not raised any serious objection, if the selection process is completed within a period of three months.

8. For the foregoing reasons, this Court directs the second respondent to re-do the entire process of selecting candidates pursuant to the award of additional six marks to the respective candidates on merits and in accordance with law within a period of three months from the date of receipt of a copy of this Order.

9. With the aforesaid direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar



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To

WEB COPY

- 1.The Secretary,
The State of Tamil Nadu
School Education Department,
Secretariat,
Chennai.
 - 2.The Chairman,
Teachers Recruitment Board, 4th Floor,
EVK, Sampath Malaigai,
DPI Compound, College Road,
Chennai.
 - 3.The Member (School Education),
Teachers Recruitment Board,
Chennai
- +1cc to Mr.C.Kathiravan, Advocate, S.R.No.37307
+1cc to Mr.K.Myilsamy, Advocate, S.R.No.37786
+1cc to the Government Pleader, S.R.No.38810

W.P.No.15379 of 2022

KK(CO)
SB(01/07/2022)