



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.06.2022

CORAM:

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

WP No.2417 of 2014

and

M.P.No.2 of 2014

Tmt.A.Baby, M.A., B.Ed.,

...Petitioner

Vs

1. The Teacher Recruitment Board,
Rep. by its Chairman,
4th Floor, EVK Sampath Malligai,
DPI Campus, College Road,
Chennai - 600 006.

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

3. R.Radhakrishnan

4. D.Poongothai

5. R.Kathiresan

...Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the revised provisional list of candidates for certificate verification issued by the 1st respondent dated 10.1.2014 and quash the same in so far as inclusion of the respondents 3 to 5 in Sl. No.137 146 and 148 in the list under BC Tamil Medium Quota and consequently direct the respondents 1 and 2 to select and appoint the petitioner to the post of PG Assistant in Economics in the reserved category of BC Tamil Medium quota.

For Petitioner : Mr.S.N.Ravichandran

For Respondents: Mr.C.Kathiravan (for R1)
Special Government Pleader.
Mrs.S.Anitha (for R2)
Special Government Pleader
No appearance for R3.



O R D E R

The writ on hand has been instituted questioning the validity of the selection made by the 1st respondent Board for recruitment to the post of PG Assistant in Economics, more specifically under the Tamil Medium Quota.

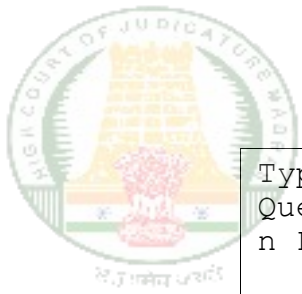
2.The petitioner states that she studied SSLC, HSC, BA (Economics), M.A.(Economics) and B.Ed. The petitioner studied in Tamil Medium through out and therefore, states that she is fully qualified to secure appointment under the Tamil Medium Quota as per the recruitment notification. The Teachers Recruitment Board issued notification in May 2013 for direct recruitment for the post of PG Assistants. The petitioner also submitted her application and participated in the process of selection.

3.Admittedly, the petitioner secured 88 marks and her name was included in the provisional list of selection and called for the certificate verification. Meanwhile the unsuccessful candidates filed W.P.(MD)Nos.18791 of 2013 and W.P.(MD) Nos.17155, 17156, 17191, 17236, 17424 and 17971 of 2013 etc.

4.The writ petitions were filed mainly on the ground that some errors occurred in the question paper and in the answer keys with reference to the written examination held on 21.07.2013. The Madurai Bench of Madras High Court passed an order on 28.11.2013, directing the Recruitment Board to revisit the entire issue.

5.The Teachers Recruitment Board in compliance with the directions issued by the Madurai Bench of Madras High Court, revised the selection list, more specifically, in educational psychology, the following one question is deleted for valuation.

Type of Question Paper	Tamil, Botany, Zoology, Commerce	English	Maths, Physics, Chemistry, History, Geography, Economics, Political Science, Home Science, Microbiology	Physical Director Grade -1	Bio-Chemistry	Telugu
A	63	136	113	148	100	133
B	58	140	38	14	65	128



WEB COPY

Type of Question Paper	Tamil, Botany, Zoology, Commerce	English	Maths, Physics, Chemistry, History, Geography, Economics, Political Science, Home Science, Microbiology	Physical Director Grade -1	Bio-Chemistry	Telugu
C	28	62	33	109	85	118
D	143	144	148	85	41	138

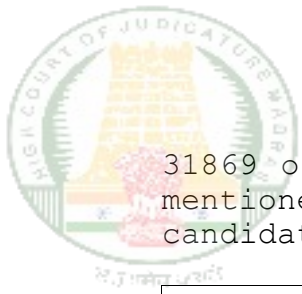
6. The cut off mark for GT turn is 102, GT T 96, GT W T 95, BC 98, BC T 89. The petitioner has secured only 88 marks and hence, she was not considered for selection.

7. The marks scored by the respondents 3 to 5 as per the revised list are 93 (Radhakrishnan R), 90 (Poongothai D) and 89 (Kathiresan) dated 09.01.2014, the respondents are coming under the BC PSTM category. Since the respondents secured higher score than the petitioner, the respondents were called for Certificate Verification.

8. As per the direction of the Hon'ble Madurai Bench of Madras High Court issued on 28.11.2013, the Board revised answer keys and revalued OMR sheet of all the candidates and conducted certificate verification for new eligible candidates on 17.01.2014. The Board released the revised result for the subjects Physics, Economics and Commerce, after making due revaluation based on the revised Key Answers as per the judgment of Hon'ble High Court of Madras in various writ petitions including W.P.Nos.29347 of 2013, 34564 of 2013 and 31869 of 2013, etc.

9. The provisional results and list of candidates called for certificate verification for the subjects Physics, Commerce and Economics, already published on 09.01.2014 and 10.01.2014 in TRB official website, are being revised. Those who have already attended the Certificate Verification held on 22.10.2013, 23.10.2013, 05.11.2013 and 17.01.2014 are not called for Certificate Verification again and only the remaining new eligible candidates alone are called for Certificate Verification.

10. As per the direction of this Court in various Writ Petitions including W.P.Nos.29347 of 2013, 34564 of 2013 and



31869 of 2013 etc., the Board revised Answer Keys for the below mentioned subject and revalued OMR Answer Sheet of all the candidates.

Subject	Question Number in				Final Key answer already published by TRB	Revised Key as per Court Direction
	"A" Series	"B" Series	"C" Series	"D" Series		
PHYSICS	23	28	63	88	D	A/B/C/D
PHYSICS	73	133	8	78	*	A
COMMERCE	120	150	115	30	C	B/C
COMMERCE	47	102	2	132	B/C	Deleted
ECONOMICS	74	134	9	79	C	B/C
ECONOMICS	64	144	89	94	D	A/D

11. As per the orders of this Court, the Board has revised the answer key twice. Accordingly, the cut-off mark for written examination - GT turn is 102, GT W 104, GT T 94, GT W T 94, BC G 99, BC W 98, BC T 91. The petitioner has secured only 88 marks as per the provisional selection list after revised certificate verification dated 06.08.2014 and hence she was not considered for selection.

12. As per the revised selection list published on 25.08.2014, the last turn for BC T category is 91 marks in written examination. It is further submitted that the 4th respondent D.Poongothai has secured 91 marks after the revaluation of the answer keys and the 5th respondent (R.Kathiresan) has secured only 89 marks and hence, he was not considered for selection.

13.The learned counsel for the petitioner made a submission that the Hon'ble Full Bench of this Court delivered a judgment on 27.09.2019 in the case of R.Boominathan and others vs. The Government of Tamilnadu, reported in 2019 (4) LW 785, held that the candidates who studied in Tamil Medium through out alone is eligible to avail the PSTM quota.

14.Relying on the said Full Bench judgment, the learned counsel for the petitioner made a submission that an interim order was passed in the present writ petition to keep one post of PG Assistant (Economics) vacant and therefore, the case of



the writ petitioner is to be considered, based on the interim order granted by this Court.

15.The learned Special Government Pleader appearing on behalf of the respondents made a submission that no doubt, the Hon'ble Full Bench of this Court delivered a judgment that the candidates who studied Tamil Medium through out alone is eligible to avail PSTM quota, however, the Government implemented the said judgment of the Hon'ble Full Bench and issued G.O.Ms.No.82, Human Resources (S) Department dated 16.08.2021. Therefore, the said judgment and the Government Order, are to be implemented prospectively. The Government Order cannot be applied in respect of the recruitments already concluded long back.

16.As far as the case of the writ petitioner is concerned, the notification was issued in the year 2013 and the process of recruitment was concluded. The judgment of the Madurai Bench of Madras High Court was implemented and the selection list was also revised twice and accordingly, the petitioner was not selected, as she was not falling within the zone of consideration.

17.This Court is of the considered opinion that the judgment of the Hon'ble Full Bench delivered in the year 2019 cannot be given effect to in respect of the recruitment notification issued in the year 2013, which was concluded and the selected candidates joined in the post of PG Assistant and serving for about nine years as above.

18.The Government Order implementing the Full Bench judgment was also issued in G.O.Ms.No.82, Human Resources (S) Department, dated 16.08.2021. Therefore, the said Government Order also cannot be implemented with retrospective effect to undo the selection process already concluded, so also, to unsettle the issues which had been already settled. The judgment of the Hon'ble Full Bench which was implemented by the Government in G.O.Ms.No.82, Human Resources (S) Department, dated 16.08.2021, is to be implemented prospectively with respect to the selection to be conducted after issuance of the Government Order.

19.As far as the present writ petition is concerned, the petitioner secured 88 marks and as per the revised selection list issued by the Recruitment Board on 25.08.2014 pursuant to the judgment of the Madurai Bench of Madras High court, the cut off mark for BC T category is 91 and therefore, the petitioner was not within the zone of consideration. As far as claim of the petitioner that she is eligible for consideration as per the interim order, deserves no merit consideration as interim orders



are always subject to the final orders to be passed. In view of the fact that the petitioner was not within the zone of consideration, the relief as such sought for cannot be granted. Accordingly, the writ petition stands dismissed. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS-II)

//True Copy//

Sub Assistant Registrar

ars

To

1. The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Malligai,
DPI Campus, College Road,
Chennai - 600 006.
2. The Director of School Education,
DPI Campus, College Road,
Chennai - 600 006.

+1cc to Mr.C.Kathiravan, Advocate, S.R.No.33233
+1cc to Mr.S.N.Ravichandran, Advocate, S.R.No.33439
+1cc to the Government Pleader, S.R.No.33644

WP No.2417 of 2014

CA(CO)
RGA(21/06/2022)