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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.06.2022

CORAM:

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

WP No.1554 of 2014
and
M.P.No.2 of 2014

A.N.Ajeez Basha

... 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. A.Mubarakh

.. 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 dt.10.1.2014 and quash the same in so far as non inclusion of the 3rd respondent in Sl. No.201 of the list under BCM -Tamil Medium Quota and consequently direct the respondents to 1+2 to select and appoint the petitioner to the post of PG Assistant in Commerce in the reserved category of BCM Tamil Medium Quota.

For Petitioner : Mr.S.Nedunchezhiyan

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 Commerce, more specifically under the Tamil Medium Quota.

2. The petitioner states that he studied SSLC, HSC, B.Com., M.Com., and B.Ed. The petitioner studied in Tamil Medium through out and therefore, states that he 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 his application and participated in the process of selection.

3. Admittedly, the petitioner secured 90 marks and his 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 Direct or Grade-1	Bio-Chemistry	Telugu
A	63	136	113	148	100	133
B	58	140	38	14	65	128



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

6. In the below mentioned subjects, key answers are revised as follows:

Subject	A Series	B Series	C Series	D Series	Final Answer already published by TRB on 07.10.2013	Revised key as per Court direction
HISTORY	65	145	90	95	B/C	B
HISTORY	136	66	46	41	D	B/D
COMMERCE	44	134	84	149	B	*
COMMERCE	48	103	3	133	B	*

The * denotes the said question is deleted for valuation as per Court direction.

7. As per the judgment of the this Court dated 04.07.2014 in various writ petitions including W.P.Nos.29347 to 29349 of 2013, 34564 of 2013 and 31869 of 2013 etc., the Board revised the key answers for the subjects Physics, Economics and commerce. The candidates who have already attended the Certificate Verification were not called and published it on the official website of TRB on 06.08.2014.

8. The Board revised answer keys for the below mentioned subjects as follows:



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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

9. As per the direction of this Court, the answer keys were revised twice. Based on the same, the minimum eligible cut-off marks for written examination was changed as 110 under GT and 101 for GT(T). Under BCM and BCM(T) category, the cut-off marks possessed by the last candidates in the written examination were 100 and 98.

10. The petitioner herein was earlier called for certificate verification under BCM(T). After revision of the key answers, he did not come under the cut-off zone. Since the petitioner has secured only 90, he was not considered for selection.

11. 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.

12. 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 (Commerce) vacant and therefore, the case of the writ petitioner is to be considered, based on the interim order granted by this Court.

13. 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.

14. 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 he was not falling within the zone of consideration.

15. 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.

16. 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.

17. As far as the present writ petition is concerned, the petitioner secured 90 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 BCM (T) category is 98 and therefore, the petitioner was not within the zone of consideration. As far as claim of the petitioner that he 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.

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Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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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.33232

+1cc to the Government Pleader, S.R.No.33647

WP No.1554 of 2014

SVI (CO)
UMA (27/06/2022)