

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.19626 of 2014

G.Vasuki

...Petitioner

Vs.

1. The Chairman,
Teachers Recruitment Board,
College Road,
Nungambakkam, Chennai-6.
2. The Member Secretary,
Teachers Recruitment Board,
College Road,
Nungambakkam, Chennai-6.
3. The Controller of Examination
Teachers Recruitment Board,
College Road,
Nungambakkam, Chennai-6.

...Respondents

PRAYER: The writ petition is filed under Article 226 of Constitution of India for issuance of a writ of certiorarified mandamus calling for the records in relates to the proceedings of the second respondent in R.C.No.2612/BT/2013 dated 11.04.2014 and quash the same and consequently, direct the respondents to appoint the petitioner as a BT Assistant (English) by declaring the results of the petitioner in the Tamil Nadu Teacher Eligibility Test paper 2 in Roll Number 13TE46202143.

For Petitioner : Mr.V.Kasinatha Bharathi

For Respondents: Mr.C.Kathiravan

Special Government Pleader

O R D E R

The order of rejection dated 11.04.2014 rejecting to grant marks in the Teachers Eligibility Test examination is under challenge in the present writ petition.

2.The petitioner participated in the Teachers Eligibility Test for appointment to the post of Secondary Grade Teacher and BT Assistant. Pursuant to the notification issued by the Government of Tamil Nadu in the year 2013, the petitioner participated in the written test and secured 95 marks. The result of the petitioner was withheld on the ground that the petitioner has committed an error of not writing or shading the question paper serial code in the OMR answer sheet, which is in violation of instruction No.4 in the OMR answer sheet. The instruction says that "the evaluation is an electronic process", in case, the instructions are not followed, the answer sheet is liable to be rejected." The instruction (No.13) at page number 80 of question paper booklet reads as follows: "OMR answer sheet is designed for computer evaluation. If you do not follow the instructions given above and shown in the OMR answer sheet, it may make evaluation by computer difficult. Any result and loss to the candidate on the above account shall be of the candidate only." The notification contained the above instructions in clear terms. In spite of that, the petitioner had committed a mistake of not writing or shading the question paper serial code in the OMR answer sheet and on that basis, valuation was not done and consequently, the result was not declared.

3.The learned counsel for the petitioner made a submission that in respect of the Teachers Eligibility Test of the year 2012, only five marks was deducted for such mistake and the said benefit was not extended in respect of the Teachers Eligibility Test of the year 2013.

4.This Court is of the considered opinion that the said concession extended during the year 2012 had been withdrawn in the year 2013 and therefore, the petitioner cannot claim the said benefits of deduction of five marks for her failure in shading the question paper serial code in the OMR answer sheet.

5.The petitioner has committed an error which is in violation of the instructions given to the candidates. The petitioner made a representation and the said representation was also rejected by the authorities competent in the year 2014. That apart, the test was conducted in the year 2013 and now, nine years lapsed. Admittedly, the petitioner committed an incurable mistake of not writing or shading the question paper serial code in the OMR answer sheet, which cannot be cured at this length of time and therefore, the petitioner is not entitled for the relief sought for in the present writ petition.

Accordingly, the writ petition stands dismissed. No Costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

sli/sms

To

1. The Chairman,
Teachers Recruitment Board,
College Road,
Nungambakkam, Chennai-6.
2. The Member Secretary,
Teachers Recruitment Board,
College Road,
Nungambakkam, Chennai-6.
3. The Controller of Examination
Teachers Recruitment Board,
College Road,
Nungambakkam, Chennai-6.

+1cc to Mr.C.Kathiravan, Advocate, S.R.No.37304

+1cc to Mr.V.Kasinatha Bharathi, Advocate, S.R.No.36993

W.P.No.19626 of 2014

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NSK/12/07/2022