



W.P.(MD)No.1388 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.1388 of 2020

and

W.M.P.(MD)No.1123, 1125 and 1128 of 2020

R.Manimozhi

... Petitioner

Vs.

1. Teacher Recruitment Board,
Rep. by the Chairman,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai – 600 006.
2. The Director of School Education,
O/o the Directorate of School Education,
College Road,
Nungambakkam,
Chennai – 6.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned Provisional Selection List dated 11.01.2020 for the post of Direct Recruitment of Computer Instructors



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Grade – I (Post Graduate Cadre) 2018-2019, based on Notification No. 09/2019 dated 01.03.2019 as Online Computer Based Examination on the file of the first respondent and quash the same as illegal and further direct the first respondent to allot the prescribed marks and include the petitioner in the provisional selection list.

For Petitioner	:	Mr. S.Lenin Prabu
For R1	:	Mr.V.R.Shanmuganathan
For R2	:	Mr.S.Shaji Bino Special Government pleader

ORDER

This Writ Petition has been filed challenging the impugned Provisional Selection List, dated 11.01.2020, for the post of Direct Recruitment of Computer Instructors Grade – I (Post Graduate Cadre) 2018-2019, based on Notification No.09/2019, dated 01.03.2019 as Online Computer Based Examination, on the file of the first respondent and to quash the same and consequently direct the first respondent to allot prescribed marks and include the petitioner's name in the provisional selection list.



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2. The case of the petitioner is that she has participated in the selection process for the post of Computer Instructors Grade - I (Post Graduate Cadre) 2018 -2019 and she attended the online examination on 23.06.2019. In her question paper, in question Nos.89 and 149, four options were wrongly displayed in the monitor. This type of wrong display is called as garbled symbol. In such condition, she could not able to find out the right option and hence, she has selected one of the four options for the above said two questions. The first respondent has released the tentative key on 29.07.2019 and the candidates are given time up to 03.08.2019, to submit their representation, if any, regarding objections on the tentative answer key published along with the proof of the key in the prescribed format. As per the prescribed format, the petitioner has sent a detailed representation through post on 31.07.2019 to the first respondent. But the first respondent without considering her representation, published the marks and final key on 25.11.2019. Due to the garbled questions of the first respondent, the petitioner has lost two marks and scored 77.8 marks. Thereafter, she was called for certificate verification on 10.01.2020 and she attended the



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certificate verification with all required documents and certificates. On 11.01.2020, the first respondent has published the provisional selection list for 697 candidates, in that, for MBC community the candidates were selected up to 79.8 marks. But the petitioner's name was not included in the provisional selection list. Challenging the selection process, the present writ petition has been filed by the petitioner.

3. The learned counsel appearing for the petitioner would submit that the petitioner has attended the examination for the post of Direct Recruitment of Computer Instructors Grade I, on 23.06.2019 and secured 77.8 marks. In question Nos.89 and 149, the four options were wrongly displayed in her monitor. Her community category candidates scored up to 79.8 are called for in the final selection list and if the petitioner is given two marks for the said questions, then the petitioner's score would be 79.8. He would further submit that the first respondent has not considered the petitioner's representation dated 14.01.2020. Hence, he prayed for appropriate orders.



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4. The learned Standing counsel appearing for the first respondent would submit that the grievance of the petitioner is four options in questions Nos.89 and 149 were wrongly displayed in her monitor. However, without challenging the wrong display, she has participated in the selection process and secured only 77.8 marks and after selection process over, challenging the selection process is not sustainable one and hence, he prayed for dismissal of the writ petition.

5. Heard the learned counsel for the petitioner, the learned counsel appearing for the first respondent and the learned Special Government Pleader appearing for the second respondent.

6. The facts in the present case are not in dispute. The petitioner has participated in the selection process for the post of Computer Instructors Grade I (Post Graduate Cadre) for the year 2018 – 2019 and secured 77.8 marks. The grievance of the petitioner is that due to wrong display of the question Nos.89 and 149, she could not able to find out the right option



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and if the petitioner is given two marks for the said questions, then the petitioner's score would be 79.8 marks. However, as rightly pointed out by the learned Standing counsel for the first respondent that the petitioner has to work out the remedy at the relevant point of time and without challenging the same, the petitioner has participated in the selection process and secured 77.8 and after publishing the result, she has filed the present writ petition. Hence, this Court is not inclined to interfere with the impugned order passed by the first respondent and this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

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Index : Yes / No

Speaking Order : Yes / No

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