



W.A.(MD)No.722 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.07.2022

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**
and
THE HONOURABLE MRS.JUSTICE **S.SRIMATHY**

W.A(MD)No.722 of 2022
and
C.M.P.(MD)No.6095 of 2022

K.Chellamuthu

... Appellant

Vs.

- 1.The State of Tamil Nadu,
represented by its Principal Secretary,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Teachers Recruitment Board,
represented by its Chairman,
No.4th Floor, E.V.K. Sampath Maligai,
College Road, Chennai-6.
- 3.The Director,
Directorate of School Education,
DPI Complex, College Road,
Chennai – 600 006.
- 4.The School Education Joint Director,
(Vocational Education),
DPI Complex, College Road, Chennai – 600 006.
- 5.The Chief Educational Officer,
Office of the Chief Educational Officer's Office,
Madurai District, Madurai.
- 6.The Head Master,
Government Higher Secondary School,
Palamedu, Madurai.

... Respondents



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Prayer: Writ Appeal filed under Clause 15 of the Letter Patent to set aside the order passed by this Court, dated 23.11.2021 made in W.P. (MD)No.146 of 2018.

For Appellant :Mr.M.Karpagam

For Respondents :Mr.S.Saji Bino

Special Government Pleader

JUDGMENT

(Judgment of the Court was delivered by **S.S.SUNDAR, J.**)

The Writ Petitioner is the appellant herein. The appellant filed a Writ Petition in W.P.(MD)No.146 of 2018 for issuance of a Writ of Certiorarified Mandamus to quash the impugned order passed by the fourth respondent, dated 24.07.2013 and to direct the second respondent to grant 20 marks for 20 defective questions and to reinstate the appellant into service as Computer Instructor in the sixth respondent School. The said Writ Petition was dismissed by a learned Single Judge of this Court, by order, dated 23.11.2021. Aggrieved by the order dismissing the Writ Petition, the above Writ Appeal has been filed by the Writ Petitioner.

2.Heard Mr.M.Karpagam, learned Counsel for the appellant and Mr.S.Saji Bino, learned Special Government Pleader, who takes notice on



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behalf of the respondents. By consent of both parties, this Writ Appeal is taken up for final disposal at the stage of admission itself.

3. Brief facts, that are necessary for the disposal of this appeal, are as follows:

3.1. The appellant had completed B.Sc (computer science) and B.Ed., in the same subject. The appellant was appointed as Computer Instructor by way of special examination conducted by the respondents on 09.11.2008. The issue whether the Computer Instructors are entitled to be considered as Teaching Staff and that there should be parity in the pay structure, is being the subject matter of various proceedings earlier pursuant to the Writ Petition filed by the Association of Computer Instructors claiming the status of B.T. Assistant and equal pay, as granted to the Teachers working in the Government Schools.

3.2. Thereafter, a special recruitment test was directed for absorption of appellant and similarly placed persons. The written examination was conducted with 150 questions and it was decided that the candidates, who secured 50% and above marks, will be eligible for continuing in service. The appellant took the special recruitment test held on 24.01.2010. However, many people challenged that some of the questions were defective or ambiguous and that therefore, they should be



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deleted for assessment of candidates. It is admitted that a Division Bench of this Court considered the issues in detail relating to the questionable questions and gave a direction to the Teachers Recruitment Board to delete 20 question of the total number of 150 questions. The Teachers Recruitment Board was further directed to judge the proficiency of the Computer Instructors on the basis of the answers given by them to the remaining 130 questions. It was also clarified that those, who have secured 65 marks and above out of 130 questions, would be considered and qualified and the remaining candidates should be treated as fail.

3.3.On the basis of the direction by the Division Bench, the appellant was terminated from service, as he did not secure 65 marks in the examination conducted by the Teachers Recruitment Board. Challenging the order of termination issued by the fourth respondent, the appellant preferred the Writ Petition.

3.4.The learned Single Judge of this Court after considering the direction of Division Bench of this Court covering the issue, held that the appellant's grievance cannot be considered, as the appellant have not secured 65 out of 130 questions. Even though the respondents raised a contention with regard to the maintainability of the Writ Petition and



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submitted that the Writ Petition liable to be dismissed on the ground of laches, the learned Single Judge after holding that the Writ Petition is maintainable, dismissed the Writ Petition placing reliance on the judgments of the Division Bench of this Court.

4.This Court find no reasons to interfere with the order of the learned Single Judge dismissing the Writ Petition filed by the appellant. Accordingly, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[S.S.S.R., J.] [S.S.Y., J.]
19.07.2022

Index : Yes / No

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To

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