



WEB COPY

W.P.(MD)No.10332 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED : 07.03.2022  
CORAM

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P. (MD)No.10332 of 2015**

**and**

**M.P(MD)Nos.1 of 2015 & 2 of 2015**

K.Savithiri

... Petitioner

vs

1.The Principal Secretary,  
Department of School Education,  
Government of Tamil Nadu,  
Fort.St.George,  
Chennai-9.

2.The Joint Director,  
Higher Secondary Education,  
Chennai-06

3.The Member Secretary(School Education),  
Teacher Recruitment Board,  
EVK Sampath Maligai,  
DPI Compound,  
College Road,  
Chennai.

4.The Headmaster,  
Government Girls Higher Secondary School,  
Cumbam,  
Theni District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records relating to the impugned order bearing Na.Ka.No.026037/W3/E2/2015, dated 02.06.2015 passed by the 2<sup>nd</sup> respondent and quash the same.

For Petitioner : Mr.T.Antony Arul Raj

For Respondents : Mr.V.Om Prakash  
Government Advocate(Civil side)  
for R1,R2 and R4  
Mr.V.R.Shanmuganathan  
for R3

**O R D E R**

The petitioner has filed this writ petition challenging the impugned order dated 02.06.2015.

2. The petitioner is qualified as B.com., M.com., and B.Ed., and she is eligible to be appointed for P.G.Assistant. The third respondent has issued a notification to fill up the 300 vacancies in the post of P.G.Assistant (Commerce) for the Academic year 2012-2013. The petitioner participated in the selection process and she has secured 108 marks out of 150. The petitioner's candidature was considered under BC (Women) category. In selection process, certain key answers were challenged before this Court, where the key answers were revised and in that the petitioner's mark was reduced to 105, therefore, her candidature was cancelled. The petitioner has challenged the same in W.P.(MD)No.16475 of 2014 and this Court has allowed the writ petition directing the respondents to conduct an enquiry, after giving opportunity to the petitioner and thereafter pass an order. In the meanwhile, the petitioner continued her service. Thereafter, the petitioner was granted opportunity and the impugned order, dated 02.06.2015 was passed. This Court has admitted the writ petition and has granted an interim order and based on the interim order, the petitioner is continuing in service from 2014 to 2022. Recently, she was transferred from Trichy to Theni. The contention of the respondent is that the petitioner is not qualified to the appointment because her marks were reduced to 105.

3. This Court is of the considered view that since the petitioner is continuing in service for more than seven years, based on her original marks as 108, this Court is not inclined to interfere with her appointment. Therefore, the impugned order of cancelling her appointment is set aside. The respondents are directed to allow the petitioner to continue in the service and also the monetary benefits shall be granted to the petitioner. This case is treated as an exceptional case and based on the facts and circumstances the present order is passed. This order shall not be shown as precedent, when other candidates are seeking for re-correction of the key answers.

4. With the above direction, the Writ Petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

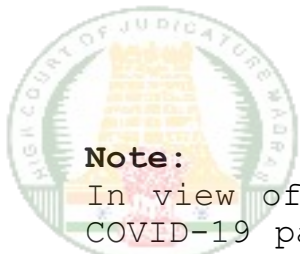
Assistant Registrar (AD II)

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/ /2022

Sub Assistant Registrar(CS)

jbr



**Note:**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate/litigant concerned.

To

- 1.The Principal Secretary,  
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- 2.The Joint Director,  
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- 4.The Headmaster,  
Government Girls Higher Secondary School,  
Cumbam,  
Theni District.

+1 CC to M/s.T.ANTONY ARUL RAJ, Advocate ( SR-10640[F] dated 08/03/2022 )

+1 CC to M/s.SPL GP ( SR-10579[F] dated 08/03/2022 )

**W.P. (MD) No.10332 of 2015**

**07.03.2022**

MGJ(05.04.2022) 3P 7C