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Review Application No.64 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON : 01.12.2023

ORDERS DELIVERED ON : .12.2023

CORAM :

**THE HON'BLE MR.JUSTICE R.MAHADEVAN
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

Review Application No.64 of 2023

M.Suguna

.. Petitioner

Versus

1.Teachers Recruitment Board
Rep.by its Chairman, Chennai – 600 006.

2.Director of School Education
Chennai – 600 006.

..Respondents

Prayer: Review Application filed under Order 47 Rule 1 read with 114 of CPC, to review the order dated 10.10.2022 passed in W.A.No.2234 of 2022.

For the Petitioner : Mr.M.Ravi Ananthapadmanaban
Senior Counsel
for Mr.B.Thirumalai

For the Respondents: Mr.R.Neelakandan
Additional Advocate General
assisted by Mr.K.Sathishkumar for R1
Mrs.R.Anitha, Spl.GP for R2



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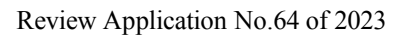
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ORDER

(Order made by the Hon'ble Mr.Justice D.Bharatha Chakravarthy)

This Review Application is filed with the prayer to review the order dated 10.10.2022 in W.A.No.2234 of 2022, in and by which, the Writ Appeal filed by the appellant, as against the Judgment of the learned Single Judge dated 04.08.2022 in W.P.No.11609 of 2015 was dismissed.

2. The brief facts leading to the filing of the Review Application are that, in the year 2010, the petitioner participated in the selection to the post of Graduate Teachers/Computer Instructors by way of Direct Recruitment conducted by the Teachers Recruitment Board, the first respondent herein. After conduct of the examination, the entire selection process was the subject matter in an earlier round of litigation in W.A.No.837 of 2010 etc.,. In the said Writ Appeal, the Division Bench of this Court appointed an Expert Committee, to verify the questions in the written examination and the key answers in respect thereof. The Expert Committee found that 20 questions were either wrong or the key answers identified were incorrect. In that view of the matter, by a Judgment dated 20.12.2012, the Division Bench of this Court directed



3. It is the contention of the learned counsel for the petitioner that even after removal of those 20 questions, the key answers which are given in respect of two other questions, viz., (1) Q.Nos.124 and 63 in the A type question paper and Q.Nos.14 and 118 in the B type question paper are wrong. The same have to be omitted. The error in the key answers can be demonstrated by the opinion of the Expert Committee itself. If in respect of those two questions, the petitioner's corrected answer is taken into account, then the petitioner's mark would be 66 and therefore, she prayed that two marks should be given to her and consequently she must be given the appointment. However, the Writ Petition was dismissed.



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4. The petitioner filed W.A.No.2234 of 2022. By the Judgment under review, in paragraph No.6, it was found that if the two other questions are to be now again found fault with, the same would virtually be re-agitating the matter, which was settled by the earlier Division Bench in W.A.No.837 of 2019 by a Judgment dated 20.12.2012 and therefore, the same would amount to reviewing the earlier Judgment dated 20.12.2012. It was further held that if two other questions also wrong, then the correct prayer of the petitioner can only be for setting aside the entire selection by impleading the selectees and it cannot be by merely praying to award marks to the petitioner alone and as such it was held that the Writ Appeal bound to fail and accordingly, the Writ Appeal was dismissed.

5. On a careful perusal of the grounds of review made and consideration of the submissions made by *Mr.Ravi Ananthapadmanaban*, the learned Senior Counsel appearing on behalf of the Review Petitioner, the grievance of the petitioner seems to be that there is no legal impediment to grant two marks to the petitioner if the key answers are found to be wrong. Therefore, the finding in Paragraph No.5 of the impugned order is not legally



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correct. The said submission is made in Ground No.C of the review petition.

The Review canvasses that the Order is legally erroneous. Thus, it is an appeal under disguise.

6. It is further contended that the above two questions which are aforementioned are clearly erroneous and the petitioner has chosen the correct answer. Accepting the case of the petitioner would amount to reviewing the earlier Judgment in W.A.No.837 of 2010 dated 20.12.2012. In the said Judgment, it has been categorically held that except for 20 questions, which were mentioned in the Judgment, others can be taken into account as such and the selection to be processed. In respect of the same, the finding is rendered in paragraph No.6 of the Judgment under Review. No ground of review which is permissible under Order 47 Rule 1 of Civil Procedure Code is made out.

7. Thus, finding no merits, the Rev.Appl.No.64 of 2023 shall stand dismissed. No costs.

(R.M.D., J.)

(D.B.C., J.)

.12.2023

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Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no

To
1.The Teachers Recruitment Board
Rep.by its Chairman, Chennai – 600 006.

2.The Director of School Education
Chennai – 600 006.



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**R.MAHADEVAN, J.,
and
D.BHARATHA CHAKRAVARTHY, J.,**

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