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W.P.No.14202 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.14202 of 2023

and

W.M.P.No.13769 of 2023

C.Kalarani

... Petitioner

VS.

1.The Principal Secretary to Government,
School Education Department,
Fort St.George,
Chennai – 600 009.

2.The Chairman,
Teachers Recruitment Board,
Dr.M.G.R.Centenary Building,
3rd & 4th Floors, DPI Campus, College Road,
Chennai – 600 006.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus, to direct the 1st and 2nd respondents to rectify the error in respect of the gender which has been wrongly stated as Male instead of Female in petitioner's Tamil Nadu Teacher Eligibility Test Paper II Admid Card bearing Roll No.22TET2110736293, Enrolment No.TET2223664021 and in the application and direct 1st and 2nd respondents to issue the admit card for main exam with corrected gender details to attend the main exam, pending disposal of the above writ petition.



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For Petitioner : Mr.D.Saikumaran
For Respondents : Mr.V.Manoharan
Additional Government Pleader [R1]
Mr.R.Siddharth
Government Advocate [R2]

ORDER

The petitioner has filed this Writ Petition seeking issuance of Writ of Mandamus, to direct the respondents 1 and 2 to rectify the error in respect of the gender which has been wrongly stated as Male instead of Female in petitioner's Tamil Nadu Teacher Eligibility Test Paper II Admid Card bearing Roll No.22TET2110736293, Enrolment No.TET2223664021 and in the application and to direct the respondents 1 and 2 to issue the admit card for main exam with corrected gender details to attend the main exam, pending disposal of the above writ petition.

2. Mr.V.Manoharan, learned Additional Government Pleader accepts notice for the first respondent and Mr.R.Siddharth, learned Government Advocate accepts notice for the second respondent. In view of the consent expressed by the learned counsel appearing on either side, this petition is taken up for final disposal.



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3. The case of the petitioner is that, she completed her Post Graduate in M.A.(Tamil) in the year 2012 and also completed B.Ed.(Tamil) Degree in the year 2014. While so, she applied for Teacher Eligibility Test (in short 'TET') on 13.04.2022 and in the application, the gender of the petitioner has been erroneously filed up as 'Male'. Thereafter, she received admit card for the TET Paper – I, in which, her gender has been correctly mentioned and she had attended the exam. However, in the admit card for TET Paper – II, her gender was wrongly mentioned. Though her gender was not correctly mentioned in the admit card, she was allowed to write the said exam on 11.02.2023 and she is eligible for the forthcoming main exam. Therefore, she made a representation dated 31.01.2023 before the second respondent to rectify the error in respect of her gender, however, the same was rejected by second respondent by their proceedings dated 13.02.2023. Hence, the petitioner filed the above writ petition to direct the respondents 1 and 2 to rectify the error in respect of her gender and to issue admit card for main exam with corrected gender details to attend the main exam.

4. The learned counsel for the petitioner submits that, the petitioner got qualified for the main exam, hence, if the rectification in respect of her gender is not made by the second respondent, the petitioner might not be able to attend



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the main exam and grave prejudice would be caused. Further, the error is neither wilful nor wanton to obtain any lasting benefit. Hence, he prays that, this Court may issue a direction to the respondents 1 and 2 to issue the admit card for the main exam with corrected gender details, enabling the petitioner to attend the main exam, within a time frame that may be stipulated by this Court.

5. The learned Government Advocate appearing for the second respondent submits that, an opportunity was given to all candidates to make corrections or edit their application. However, without utilizing the opportunity for making corrections in the application within the specified time, the petitioner made a representation for correction on 27.01.2023. Therefore, the petitioner's claim was rejected by the second respondent. Hence, he prays for dismissal of the above Writ Petition.

6. It is not the case of the respondents that change is sought for in the communal category or date of birth or address, which will have an impact on the other candidates appearing in the exam. The correction sought for by the petitioner relates only to gender. Further, in the admit cards issued by the respondents, the first admit card reflects the correct gender of the petitioner, while in the second admit card, it has been shown with the error. True it is that opportunity was granted to make corrections, which has not been utilised by the



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petitioner. However, it is to be noted that the petitioner would not have dreamt that there would have crept an error in the gender, while she filled up the form.

Further, the rectification of gender would not cause prejudice to any person and not rectifying the same would cause grave prejudice to the petitioner. Therefore, considering the limited request to rectify the error with respect of the gender of the petitioner in the application form, the same requires to be considered positively.

7. In the aforesaid circumstances, this Court, directs the petitioner to make a fresh representation before the second respondent for rectification of gender within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the second respondent is directed to consider the said representation and pass appropriate orders for carrying out the correction in gender of the petitioner, within a period of three weeks thereafter.

8. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

02.06.2023

Index : Yes/No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
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M.DHANDAPANI, J.

sp

To

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