



W.P.No. 18907 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2023

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.18907 of 2019

and

W.M.P.No.30756 of 2019

M. Lakshmi Devi

.. Petitioner

Versus

1. The State of Tamil Nadu,
Represented by its Secretary
School Education Department,
Secretariat, Chennai

2. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK, Sampath Malaigai,
DPI Compound, College Road,
Chennai.

3. The Member (School Education),
Teachers Recruitment Board,
Chennai.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus to call for the records of order dated 05.12.2018 vide proceedings in



W.P.No. 18907 of 2019

No.Rc.No.9633/L3/2018 on the file of 3rd respondent and quash the same and directing respondents to appoint the petitioner for the post of Post Graduate Assistant (Chemistry Subject) within time bound manner and to pass orders.

For Petitioner : Mr. K..Myilsamy
For Respondent-1 : Mr. T.M.Rajangan
Government Advocate
For Respondents-2 and 3: Mr. T.M.Rajangan
Government Advocate

ORDER

This petition is filed to call for the records of order dated 05.12.2018 vide proceedings in No.Rc.No.9633/L3/2018 on the file of 3rd respondent and quash the same and directing respondents to appoint the petitioner for the post of Post Graduate Assistant (Chemistry Subject).

2.The case of the petitioner is that she has applied for the Post Graduate Assistant in Chemistry and have written the examination. Subsequently, the Teachers recruitment Board published tentative answer keys. According to the petitioner there are lot of mistakes, discrepancies



W.P.No. 18907 of 2019

WEB COPY

and confusions in the published tentative answer keys. Hence, the petitioner filed a writ petition in W.P.No.3814 of 2018 and the same was disposed vide order dated 20.07.2018 with a direction to the respondent to consider the claim of the petitioner if there are any vacancies remained unfilled and pass orders preferably within a period of six weeks. When this being the case the respondent had passed the impugned order in proceedings No.9633/L3/2018 on 05.12.2018, wherein they have rejected the claim of the petitioner. Aggrieved over the same the petitioner had filed this petition.

3.The learned counsel appearing for the petitioner submitted some candidates filed a writ petition in W.P.(MD) No. 15953 of 2017 before this Court for awarding marks in respect of defective question and the same was allowed vide order dated 20.09.2017. Hence, the petitioner's claim is that, if these marks are awarded to her, she will be a successful candidate and also will be in the zone of consideration and eligible to be appointed to the post of Post Graduate Assistant in Chemistry.

4. The learned Government Advocate submits that aggrieved by



W.P.No. 18907 of 2019

the order dated 20.09.2017 the respondents filed W.A.Nos. 194 to 199 of 2018 before this Court and the same was disposed of vide order dated 16.02.2018. In the said writ appeal, the Division Bench of this Court clarified that though there are any writ petitioners, award of marks were confined only to those, who were in the zone of consideration and further, held that the benefit of the order cannot be extended to any other candidates. Therefore, a review application has been filed in Rev.Aplw(MD) No.153 of 2019 dated 19.09.2019 and in the said order, the benefit of the earlier order dated 16.02.2018 passed in W.A.Nos. 194 to 199 of 2018 was extended to all the candidates who have not approached the Court and the respondents were directed to re-do the selection process in entirety.

5. On a perusal of records it is seen that against the Review Application(MD) No.153 of 2019, the respondents have also preferred an SLP before the Hon'ble Supreme Court in SLP.D.26469 of 2020 and the same was dismissed by order dated 29.04.2022. Thus, the order passed in Review Application (MD) No.153 of 2019 dated 19.09.2019 by the Divisions Bench of this Court has attained finality and is binding on the



W.P.No. 18907 of 2019

respondents.

6. In view of the above, this Court is of the view that since the order passed in Review Application on 19.09.2019 by the Division Bench of this Court has attained finality and in view of the dismissal of the SLP, the respondents will have to re-do the entire process of selecting the respective candidates for the various posts. This Court directs the second respondent to re-do the entire process of selecting candidates pursuant to the award of additional six marks to the respective candidates on merits and in accordance with law within a period of three months from the date of receipt of a copy of this Order.

7. With the aforesaid direction, this writ petition is disposed of. No order as to costs. Consequently the connected miscellaneous petition is closed.

20.12.2023

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
smn



WEB COPY



W.P.No. 18907 of 2019

To

1. The State of Tamil Nadu,
Represented by its Secretary
School Education Department,
Secretariat, Chennai
2. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK, Sampath Malaigai,
DPI Compound, College Road,
Chennai.
3. The Member (School Education),
Teachers Recruitment Board,
Chennai.
4. The Section Officer, V.R.Section,
High Court, Madras.



WEB COPY



W.P.No. 18907 of 2019

V.BHAVANI SUBBAROYAN, J.

smn

W.P.No.18907 of 2019
and
W.M.P.No.30756 of 2019

20.12.2023