



W.P.No.32358 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.32358 of 2023
and W.M.P.No.31978 of 2023

S. Glan Dinesh Kumar

... Petitioner

Vs.

The Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai – 600 006.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to issue Teacher Eligibility Test pass certificate to the petitioner which was conducted on 18.08.2013 and consequently to allow the petitioner to apply for the post of Graduate Teachers/Block Resource Teacher Educators (BRTE) issued in the Notification No.03/2023 dated 25.10.2023.

For Petitioner : M/s.S. Ilamvaludhi



W.P.No.32358 of 2023

For Respondent : Mr.M. Algau Gowtham,
Government Advocate

ORDER

Heard the learned counsel for the petitioner, as well as the learned Government Advocate appearing for the respondent.

2. The claim of the petitioner for issuance of Teacher Eligibility Test (TET) pass certificate and the consequential permission to apply for the post of Graduate Teacher/Block Resource Teacher Educator (BRTE), has already been considered by this Court in the case of ***'Vimalraj.P Vs. The Chairman, Teachers Recruitment Board' passed in WP.No.26678 of 2023 on 15.11.2023*** and one additional mark has been granted to the Teachers who had appeared for TET on 18.01.2013. The relevant paragraphs of the order reads as follows:-

“The petitioner had participated in the Teachers Eligibility Test [TET] conducted by the respondent on 18.08.2013, in which he had secured 89 marks. In the said test, he had questioned the correctness of the final answer key for Question



No.107 (D-type) in Paper -2, which question and answer key read as follows:

“ In which language the song “vande Matharam” was written first

- | | |
|-------------------|--------------------|
| <i>a. Bengali</i> | <i>c.Urdu</i> |
| <i>b. Marathi</i> | <i>d.Sanskrit”</i> |

2. The petitioner had opted for choice '(a) Bengali'. However, the final answer key showed '(d) Sanskrit' to be the correct answer. The issue was challenged by one K.Veeramani before a learned single Judge of this Court in W.P.No.32316 of 2013 and the writ petition came to be allowed, as against which the Teachers Recruitment Board has preferred an intra-court appeal in W.A.No.1040 of 2017 and by a judgment dated 12.10.2017, the order of the learned single Judge was upheld and a direction was issued to Teachers Recruitment Board to award one additional mark to the candidates who opted either choice (a) or choice (d) for Question No.107. The relevant portion of the order reads as follows:

'6. In such view of the matter, we have no hesitation to come to the conclusion that both the answers viz., “Bengali” (Option A)



W.P.No.32358 of 2023

and “Sanskrit” (Option D) are correct. Therefore, the respondent-Board shall award one mark to the candidates, who answered it as “Bengali” as well as to the candidates who answered it as “Sanskrit”.’

3. Though Hon'ble Division Bench had directed Teachers Recruitment Board to award one mark to the candidates who had participated in the TET examination of the year 2013 but such a mark was not awarded to the petitioner, which had prompted him to file the present writ petition.

4. The learned counsel for the petitioner submitted that in view of the direction of Hon'ble Division Bench, the petitioner is entitled for award of one additional mark.

5. The learned Government Advocate would submit that though the order of the Division Bench was passed way back in the year 2017, the petitioner had belatedly approached this Court. Hence, the writ petition is liable to be dismissed on the ground of delay and laches.

*6. Admittedly, the judgment of the Hon'ble Division Bench in **K.Veeramani's** case has become final and in view of the directions given therein, all*



W.P.No.32358 of 2023

the candidates who opted either Choice (a) or Choice (d) to Question No.107 would be entitled for one additional mark. There was no reason for the Board to expect all the candidates to approach them seeking for such additional mark. As a matter of fact, the direction of the Bench was to the Board to award one additional mark for the candidates who had participated and attempted Question No.107 in the Teachers Eligibility Test conducted by them on 18.08.2013. If that be so, the delay and laches is attributable to the Board only and not to the petitioner. This apart, the failure to award one mark to the petitioner is also in violation of the directions of Hon'ble Division Bench.

7. In view of the laches on the part of the Teachers Recruitment Board, the petitioner was deprived from participating in 2017 recruitment, apart from his seniority being affected. Of course, the decision of the Division Bench, which later culminated into awarding of one mark, was pending at that point of time.

8. Thus, I am of the view that the petitioner would be entitled to one additional mark and if that one mark is awarded, the petitioner's total score



W.P.No.32358 of 2023

would be 90 marks and accordingly, he would have been declared as a successful candidate in the TET in the year 2013 itself.

9. In the light of the above observations and findings, this writ petition is allowed and there shall be a direction to the respondent Board to pass appropriate orders by awarding one additional mark for the petitioner in the test conducted on 18.01.2013 and declare the petitioner as having qualified in the 2013 test itself and revision of his seniority. Such order shall be passed within a period of four weeks from the date of receipt of a copy of this order. No costs.”

3. The petitioner is also similarly placed to that of the Teacher who had filed the aforesaid Writ Petition and therefore, he sought for one mark and the consequential declaration.

4. Accordingly, there shall be a direction to the respondent herein, to award one additional mark for the petitioner in the Teachers' Eligibility Test conducted on 18.01.2013 and to declare that the



W.P.No.32358 of 2023

petitioner had already qualified in TET in the year 2013 itself. Such order shall be passed at least within a period of eight (8) weeks from the date of receipt of a copy of this order. In view of such declaration, the petitioner would be entitled to apply for the post of Graduate Teacher/Block Resource Teacher Educator (BRTE) under the Notification No.03/2023 dated 25.10.2023.

5. With the above directions, this Writ Petition stands allowed.

No costs. Connected miscellaneous petition is closed.

23.11.2023

Index: Yes
Speaking order
Internet: Yes
Neutral Citation: Yes

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Note: Issue Order Copy on 27.11.2023



WEB COPY



W.P.No.32358 of 2023

M.S.RAMESH,J.

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To

The Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai,
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Chennai – 600 006.

W.P.No.32358 of 2023

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