



WEB COPY

W.P.No.33401 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 14.08.2023

Coram:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

Writ Petition No.33401 of 2019
& WMP Nos.33860 and 33861 of 2019

B.Gokulapriya

... Petitioner

Vs.

1. Teachers Recruitment Board,
represented by its Chairman,
4th Floor, EVK Sampath Maaligai
DPI Campus, College Road,
Chennai – 600 006.
2. The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maaligai
DPI Campus, College Road,
Chennai – 600 006.
3. K.Velmurgan
4. A.Manikandan
5. R.Jayaprakash

....Respondents

Prayer: PETITION filed under Article 226 of the Constitution of India
praying for the issuance of Writ of Certiorarified Mandamus calling for the
records relating to the first respondent herein the provisional selection list
dated 20.11.2019 and quash the same in so far as the non-inclusion of the



petitioner's name under MBC/DC (W) quota is concerned and consequently direct the first and second respondents herein to award two marks and include the petitioner's name in the provisional selection list and confer the post of Post Graduate Assistant in English with due regards to petitioner's seniority.

For Petitioner : Mr.D.Balachandran
For Respondents : Mr.R.Neelakandan
Additional Advocate General VIII
assisted by
Mr.C.Kathiravan
Standing Counsel – R1 & R2

ORDER

This Writ Petition has been filed in the nature of certiorarified mandamus seeking records of the first respondent Teachers Recruitment Board at Chennai relating to the provisional selection list dated 20.11.2019 and interfere with the same insofar as non-inclusion of the name of the petitioner under the Most Backward/Denotified Woman quota is concerned and consequently direct the first and second respondents, both Teachers Recruitment Board, to award two marks to the petitioner and therefore include the petitioner in the provisional selection list and grant her the post of Post Graduate Assistant in English in accordance with the seniority.

2. The petitioner was one of the prospective candidates for the post of Post Graduate Assistant in English. A Notification had been issued on 12.06.2019 by the Teachers Recruitment Board for direct recruitment for the



said post in School Education and other Departments for the year 2018-19.

The petitioner, being a woman and belonging to Most Backward/Denotified community, had applied for the said post. It is stated that for that particular category there were 12 vacancies out of the total 206 vacancies. The petitioner had secured 79 marks. Her immediate senior had secured 80 marks. The petitioner raises a doubt with respect to the key answers given for question Nos.50 and 115. Since her name was not included in the provisional selection list, she has filed the present Writ Petition.

3. Mr.R.Neelakandan, learned Additional Advocate General placed reliance on the order dated 30.08.2022 passed in W.P.Nos.235 of 2020 etc. batch (*D.Selvarani V. The State of Tamil Nadu rep. by its Principal Secretary to Government School Education Department and others*) wherein, while examining the key answers for the very same examination, the learned single Judge with respect to the key answer for question No.50 had stated as follows:

'6. Insofar as English subject is concerned, Ms.P.Suguna, the petitioner in W.P.No.3310/2020 has disputed Question No.50 and the answer given by the petitioner for the said question is Option-A and the Expert Committee opined that options A & D both are correct. The Expert Committee agreed with the objection raised by the said petitioner and therefore, the petitioner is entitled for mark in respect of disputed Question No.50 in English Subject'.



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4. The petitioner herein had given Option 'D' for question No.50. It is therefore evident, as fairly stated by the learned Additional Advocate General, that the petitioner is entitled for one additional mark. This would indicate that the petitioner will get 80 marks and therefore would come into the zone of consideration. However, this does not solve the problem of the petitioner, since the other candidate who had also secured 80 marks is senior to her by age.

5. On 06.12.2022 when the matter had come up for consideration, my predecessor had observed that much earlier on 06.12.2019 an interim order had been passed to keep the finalisation of the selection process in abeyance. But R1 and R2 had proceeded with the selection process. It had therefore been stated by my predecessor that the petitioner should be accommodated in an adhoc post in the 2018-19 selection process. It was also made clear that the Court had no intention to disturb the appointment of the candidate who was selected with the cut off mark of 80.

6. The submission of the learned counsel for the petitioner that the petitioner would not seek any monetary benefit for retrospective appointment was also recorded by my predecessor in order dated 06.12.2022.

7. In light of the aforementioned circumstances, the following directions are issued:



i) The petitioner's mark is now revalidated at 80 instead of 79.

ii) The petitioner is to be accommodated in an adhoc post for Post Graduate English for the 2018-19 batch.

iii) The petitioner is not entitled to any retrospective benefit and must be satisfied with the post being granted to her upon her marks being revalidated.

iv) Necessary orders in this regard shall be passed and served upon the petitioner within a period of six (6) weeks from the date of receipt of a copy of this order.

8. The Court places its deep appreciation to Mr.R.Neelakandan, learned Additional Advocate General, who has presented the facts in a precise manner.

9. This Writ Petition stands partly allowed. No costs. Connected Miscellaneous Petitions are closed.

14.08.2023

Index: Yes/No
Speaking/Non-speaking order
Neutral citation: Yes/No
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C.V.KARTHIKEYAN,J.



W.P.No.33401 of 2019



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To
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