



W.P.No.35159 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.01.2023

Coram

The Honourable Mr. Justice N.ANAND VENKATESH

Writ Petition No.35159 of 2022

S.Dinesh Kumar

..... Petitioner

-Versus-

1.The State of Tamilnadu,
Rep. by its Principal Secretary to Government,
School Education Department,
Secretariat, Fort St. George,
Chennai 600 006.

2.The Chairman,
Teachers Recruitment Board,
DPI Campus, College Road,
Chennai 600006.

3.The Member Secretary,
Teachers Recruitment Board,
DPI Campus, College Road,
Chennai 600 006.

4.The Directorate of School Education,
DPI Campus, College Road,
Chennai 600 006.

.... Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to confer the benefits as ordered by this Court in W.P.No.3310 of 2022 (W.P.No.235 of 2020 etc., batch cases) in para No.6 of the order, consequently, confer the post of P.G. Assistant (English) in any of the existing vacancies in accordance



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with the petitioner's seniority by considering the petitioner's representation dated 25.11.2022.

For Petitioner : Mr.D.Balachandran

*For Respondents : Mr.R.Neelakandan,
Additional Advocate General
Assisted by
Mr.K.Sathish Kumar for RR2 and 3
Mr.Stalin Abimanyu,
Addl. Government Pleader for
RR1 & 4*

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to consider the representation made by the petitioner on 25.11.2022, wherein, the petitioner has sought for appointing him as Post Graduate Assistant (English) by virtue of the orders passed by this court in a batch of cases in W.P.No.3310 of 2022 etc.

2. Heard Mr.D.Balachandran, learned counsel for the petitioner; Mr.R.Neelakandan, learned Additional Advocate General for the respondents 2 and 3 and Mr.Stalin Abimanyu, learned Additional Government Pleader for the respondents 1 and 4.



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3. The petitioner applied for the post of Post Graduate Assistant (English) through online based on the notification issued by the Teachers Recruitment Board on 12.06.2019. The petitioner applied under the category of Backward Class (BC) Community. The petitioner secured 79 marks. The cut-off mark for considering the petitioner for appointment to the said post was 80 marks. Since the petitioner did not secure the cut-off mark, his candidature was rejected.

4. In the mean time, some of the candidates, who participated in the selection approached this court and a batch of writ petitions were filed before this court. They questioned the marks not being awarded for Question No.50 in English subject. This court appointed an Expert Committee and the Expert Committee gave its opinion to the effect that both the options viz., 'A' and 'D' of the said question, can be considered to be correct. Based on the same, marks were awarded to the candidates who had opted for these answers for Question No.50.

5. The petitioner on coming to know of the above development made a representation to the respondents on 25.11.2022 to award mark to him also since he has opted for the answer 'A' for Question No.50.



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Since the same was not considered, the petitioner has knocked the doors of this court seeking for appropriate directions.

6. On carefully going through the order passed in W.P.No.235 of 2020 etc. batch, it can be seen that an Expert Committee was appointed by this court and the committee was directed to give its opinion on certain disputed questions. One such question was Question No.50. Accordingly, the Expert Committee gave its opinion to the effect that both the options 'A' and 'B' are correct. Based on the same, this court directed the marks to be awarded to the petitioners who had approached this court and who had given the correct option. The petitioner, who was watching this development, ultimately, came before this court and filed the present writ petition on 21.12.2022.

7. The learned counsel for the petitioner by placing reliance on the judgement of the Apex Court in **State of Karnataka v. C.Lalitha (2006) 2 SCC 747** submitted that all the persons who are similarly placed should be treated similarly and the petitioner must also be given a similar treatment as was done in the case of those petitioners who had earlier filed the batch of writ petitions.



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8. In the considered opinion of this court, the writ petition filed by the petitioner is liable to be dismissed on the ground of laches. The petitioner was adopting 'cat on the wall' approach and was witnessing as to what was happening in the court when the other aggrieved persons approached this court. Ultimately, the relief that was granted to those petitioners is sought to be taken advantage of by the petitioner by approaching this court in the year 2022 for the recruitment notification that was issued in the year 2018-19. Such an approach can never be entertained and if the same is done, it will open the flood gates and the other persons who have participated in the selection will keep on filing writ petitions and flooding this court by seeking for the relief that was granted to those petitioners who came before this court on time. If such writ petitions are entertained and directions are issue to the respondents, they will be put to untold hardship and it will become an endless process for them. The recruitment notification of the year 2018-19 cannot be kept alive and this process must be completed at the earliest.

9. The judgement that was relied upon by the learned counsel for the petitioner will not have any bearing to the facts of the present case. There is no quarrel with regard to the dictum that persons who are



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similarly placed must be treated similarly. This dictum cannot be blown out of proportion and invoked in a case where a person does not approach on time and waits and watches the result of the litigation that was pending and thereafter seeks to take advantage of the relief granted by this court. This court while exercising its extraordinary jurisdiction cannot open the flood gates and show misplaced sympathy.

In the light of the above discussions, this court does not find any merit in the writ petition and the same is liable only to be dismissed. Accordingly, this writ petition is dismissed. No costs.

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Index : yes / no
Neutral Citation : yes / no
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To

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- 3.The Member Secretary, Teachers Recruitment Board, DPI Campus, College Road, Chennai 600 006.
- 4.The Directorate of School Education, DPI Campus, College Road, Chennai 600 006.



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N.ANAND VENKATESH.J.,

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