



W.P.(MD)No.2248 of 2020

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:05.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.2248 of 2020

V.P.Santhiya

... Petitioner

Vs.

1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
School Education Department,
St.George Fort,
Chennai-9.

2.The Member Secretary,
Tamil Nadu Teachers Recruitment Board,
E.V.K. Sampath Maligai,
DPI Compound, College Road,
Chennai-6.

3.The Chairman,
Tamil Nadu Teachers Recruitment Board,
E.V.K. Sampath Maligai,
DPI Compound, College Road,
Chennai-6.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to give



W.P.(MD)No.2248 of 2020

relaxation of 5% marks to the petitioner as per G.O.Ms.No.25, School Education Department (TRB) dated 06.02.2014 and also the order passed by this Court in W.P(MD).Nos.17694 of 2018 and 14471 of 2018 and thereby include the petitioner in the eligibility list and give appointment for the petitioner within the time stipulated by this Court.

For Petitioner : Mr.M.Senthil Kumar

For Respondents : Ms.K.Christy Theboral
Additional Government Pleader
for R1
Mr.V.R.Shanmuganathan
for R2 and R3

ORDER

This Writ Petition has been filed to direct the respondents to give relaxation of 5% marks to the petitioner, as per G.O.Ms.No.25, School Education Department (TRB), dated 06.02.2014 and also the order passed by this Court in W.P(MD).Nos.17694 of 2018 and 14471 of 2018, and include the name of the petitioner in the eligibility list and give appointment to the petitioner within the time stipulated by this Court.



W.P.(MD)No.2248 of 2020

WEB COPY

2. The case of the petitioner is that the petitioner has completed B.A., B.Ed., course. The third respondent has issued a Notification inviting applications for appearing in the Teacher Eligibility Test held on 18.08.2013 and she has appeared and attended the exam in C series TET Paper II. The third respondent published the result on 12.11.2013 and the petitioner has secured 81 marks out of 150 marks. In the meantime, it was informed that in C series TET Paper II, some of the answers provided by the third respondent were wrong. Thereafter, on 06.02.2014, the State Government issued a Government Order in G.O.(Ms).No.25, School Education Department, dated 06.02.2014 with regard to cut off marks in TET exam and fixed the cut off mark as 82%. Hence, the petitioner has filed a writ petition before this Court in W.P(MD).No.3565 of 2014 and the same was disposed of, on 18.03.2014, by this Court with a direction to the third respondent to consider the representation of the petitioner and pass appropriate orders on merits and in accordance with law. Thereafter, the respondents have published the revised marks on Website and on 06.06.2014, the second respondent has sent a communication to the petitioner and directed her to



W.P.(MD)No.2248 of 2020

send application within a period of one week. After receiving the communication, she made a detailed representation to the respondents on 13.06.2014. On 26.06.2014, the second respondent sent a communication to the petitioner stating that after revaluation of the result, she has not secured qualifying marks i.e., 82 marks for Backward Community. Hence, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that similarly placed persons have filed writ petitions in W.P.(MD).Nos.17694 and 14471 of 2018 before this Court and this Court has also allowed the writ petitions on 19.09.2018 and directed the respondents to give one mark to question No.97 in “B” Series in the TET Examination 2013 and issue certificate to that effect and consider the case of the petitioners, in case of any selection/recruitment process upto the year 2020, if they fulfil all other qualifications/requirements. Challenging the same, a writ appeal has also been filed and the Hon'ble Division Bench of this Court has awarded one mark in respect of the candidates who appeared for the Teacher Eligibility Test. Hence,



W.P.(MD)No.2248 of 2020

applying the said ratio laid down by this Court, this Court may award one mark in favour of the petitioner and permit the petitioner to undergo the subsequent test conducted by the Tamil Nadu Teachers Recruitment Board.

4. The learned counsel appearing for the third respondent would submit that admittedly, the petitioner has secured 81 marks and in view of the judgment of the Hon'ble Division Bench of this Court, she will be entitled to one mark and the benefit of G.O.(Ms).No.25, School Education Department, dated 06.02.2014 will also be extended to her.

5. In view of the submission made by the learned counsel appearing for the third respondent, the petitioner is entitled to one mark and her mark will become 82 marks. The benefit of G.O.(Ms).No.25, School Education Department, dated 06.02.2014, will be extended to the petitioner. The respondents are directed to permit the petitioner to participate in the selection process without undergoing the Teachers Eligibility Test.



W.P.(MD)No.2248 of 2020

WEB COPY

6. Accordingly, this Writ Petition is disposed of. No costs.

05.01.2023

ssb

To

- 1.The State of Tamil Nadu,
Rep.by its Secretary to Government,
School Education Department,
St.George Fort,
Chennai-9.
- 2.The Member Secretary,
Tamil Nadu Teachers Recruitment Board,
E.V.K. Sampath Maligai,
DPI Compound, College Road,
Chennai-6.
- 3.The Chairman,
Tamil Nadu Teachers Recruitment Board,
E.V.K. Sampath Maligai,
DPI Compound, College Road,
Chennai-6.



WEB COPY



W.P.(MD)No.2248 of 2020

M.DHANDAPANI,J.

ssb

W.P.(MD)No.2248 of 2020

05.01.2023