



W.P.(MD)No. 6875 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.02.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No. 6875 of 2019

J.Honey Brindha

... Petitioner

Vs.

1.The Teachers Recruitment Board,
E.V.K.Sampath Maligai,
4th Floor, DPI Compound,
College Road, Chennai – 600 006,
Represented by its Chairman.

2. The Deputy Director/Public Information Officer,
Teachers' Recruitment Board,
E.V.K.Sampath Maligai,
4th Floor, DPI Compound,
College Road, Chennai – 600 006.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of *Writ of Mandamus*, directing the 1st respondent to award one mark to the petitioner for question No.98 and declare herself having passed the Teacher eligibility Test-April 2017 in the Paper II Mathematics and Science and grant her the Teachers Eligibility Certificate, within the period that may be stipulated by this Court.



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For Petitioner : Mr.M.E.Elango

For Respondents : Mr.V.R.Shanmuganathan,
Standing Counsel

ORDER

This writ petition is filed for *Writ of Mandamus*, directing the 1st respondent to award one mark to the petitioner and declare the petitioner as passed in the Teacher Eligibility Test examination and grant Teacher Eligibility Test certificate.

2. The petitioner has completed SSLC, HSC, MSC (Mathematics), B.Ed., and M.Phil. The 1st respondent has issued a notification for conducting Teachers Eligibility Test for the year 2017 and the petitioner had participated in the examination. The cut off mark for Paper II was fixed as 82 and the petitioner has secured 82 marks, hence was declared as passed. The petitioner was called for certificate verification by the 1st respondent by the proceedings, dated 11.07.2017 and the petitioner had attended Certificate verification on 27.07.2017 and all the process were completed. However, when the petitioner subsequently downloaded the mark sheet from the official website, she could not



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download the mark statement. Hence, the petitioner has submitted a representation, dated 13.07.2018. The respondents vide proceedings, dated 02.08.2018, directed the petitioner to download the final key answer from the official website and to compare the same with the answer key. The petitioner compared the same and found that she had answered correctly for 82 questions and secured 82 marks. In view of the same, the petitioner has again submitted a representation to grant the Teacher Eligibility Certificate. But through the impugned order, the 2nd respondent had stated that she had shaded two answers for question No.98 and hence, one mark came to be reduced and she has secured only 81 marks. Since it is below of the cut off marks, the petitioner was declared as failed in the examination.

3. The contention of the petitioner is, the said impugned order came to be passed, without granting any opportunity to the petitioner, thereby, the impugned order is violated the principles of natural justice. The further contention of the petitioner is that, based on the mark sheet the petitioner was called for Certificate verification. Now the respondents cannot turn around and stated that the petitioner has shaded two answers for the question No.98.



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4. The respondents have filed counter wherein it is stated that the petitioner has shaded two answers for the question No.98 i.e., C & D. The learned Standing Counsel appearing for TRB submitted that there were several allegations that the valuation was erroneous, hence TRB rescanned all Optical Mark Reader answer sheets. During rescanning, it was found some of the marks were manipulated. Therefore, the Board assessed the Optical Mark Reader sheet of all candidates and accordingly the mark secured by the petitioner, after assessment is found to be 81. Since the petitioner has not secured eligible marks, she is declared as failed in the Teachers Eligibility Test. Further, it is stated in the instruction to candidates to fill up Optical Mark Reader Answer Sheets as follows:

“In the Optical Mark Reader sheet for each and every question shade only one Answer. If more than one answers are shaded that question will be rejected for valuation. Hence, the Board has not valued the Question No.98. Since the petitioner shaded two options.”

Since the petitioner had shaded two answers in the answer sheet, one mark was reduced and therefore, the respondents pray to reject the claim of the petitioner.



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5. When this case was listed earlier before the learned Single Judge of this Court, the respondents were directed to produce the original answer sheet of the petitioner before this Court, vide order, dated 23.09.2022. The respondents claim that a new building has been constructed for the Teachers Recruitment Board, therefore, all the records have been shifted hence, they could not found place the original documents. But, he has produced the xerox copy of the originals.

6. It is seen a block dot in the question No.98 along with the original shading of the correct answer. On further perusal, it is seen that dots are available for two more questions also. The said dots cannot be considered as shading of the answer. The petitioner has shaded the answers correctly. The petitioner while shading the answer has completely covered the entire portion of the alphabet.

7. By taking all these facts into consideration, this Court is of the considered opinion that the petitioner is entitled to one mark. This order is passed, after perusing the photo copy of the original mark sheet. This order has been



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passed for this petitioner alone and this cannot be cited by any other candidates and they cannot be claim the same relief granted to the petitioner.

8. Accordingly, this Writ Petition is allowed. The respondents are directed to issue the Teachers Eligibility Test certificate to the petitioner, within a period of six weeks from the date of receipt of a copy of the order. No costs.

Index : Yes / No
Internet : Yes
ksa

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S.SRIMATHY, J

ksa

**Order made in
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