

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.09.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.18633 of 2023

S.Sudarraj

... Petitioner

Vs

1. The State of Tamil Nadu,
Represented by its Principal Secretary,
School Education Department,
Secretariat, Chennai - 9.
2. The Teachers Recruitment Board,
Represented by its Chairman,
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai - 600 006.
3. The Member (School Education),
Teachers Recruitment Board,
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai - 600 006.
4. The Director of School Education,
DPI Campus, Chennai - 600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus directing the respondents to award marks and appoint the petitioner in the post of PG Assistant, Chemistry in accordance with the Judgment of this Court in Rev. Application (MD) No. 153 of 2019, dated 19.09.2019 confirmed by the Judgment of the Hon'ble Supreme Court in SLP (Civil) D. Nos.26469/2020, dated 29.04.2022 within the time period stipulated by this Court.

For Petitioner : Mr.Mr.T.Aswin Rajasimman

For Respondents : Mr.N.Ramesh Arumugam (R1,R4)
Government Advocate

Mr.V.R.Shanmuganathan (R2,R3)
Standing Counsel

ORDER

The present writ petition has been filed seeking a direction to the respondents to award marks and appoint the petitioner in the post of PG Assistant, Chemistry in accordance with the Judgment of this Court in Rev. Application (MD) No.153 of 2019, dated 19.09.2019 confirmed by the Judgment of the Hon'ble Supreme Court in SLP (Civil) D. Nos.26469/2020, dated 29.04.2022 within the time period stipulated by this Court.

2.Heard, Mr.Mr.T.Aswin Rajasimman, learned counsel appearing for the petitioner, Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents 1 and 4 and Mr.V.R.Shanmuganathan, learned Standing Counsel appearing for the respondents 2 and 3. Perused the materials on record.

3.(i).The second respondent had issued notification, dated 09.05.2017 inviting applications for the post of PG Assistants, including 168 PG Assistants in the post of Chemistry, for the year 2016-17. Further, vide Addendum, dated 29.06.2017, totally for 387 PG Assistants Posts in Chemistry applications were called for.

(ii)The petitioner had applied for the post of PG Assistant Chemistry. He belongs to BC Category and attended the written examination on 02.07.2017. It is an admitted fact that out of 387 posts, only 92 candidates have secured the minimum qualifying markes and were selected in the said recruitment.

(iii)Few candidates have challenged the answer key before this Court in WP(MD)Nos.15953, 16068, 16163 and 16164 of 2017 and sought for award of marks for several questions. On the basis of the expert's opinion, this

Court on 20.09.2017 has awarded six marks for the Booklet series 'A' Question Nos.10, 14, 43, 63, 72 and 99. However, the award of marks were restricted to only those candidates, who have approached this Court. The said order was upheld by the Division Bench of this Court in W.A.(MD)Nos.194 to 199, 209 to 212 of 2018, dated 16.02.2018. Thereafter, a similarly placed person filed a Review Application in Rev.Application (MD)No.153 of 2019 and the same was also allowed on 19.09.2019. Thereafter, the second respondent preferred a Special Leave Petition before the Hon'ble Apex Court in SLP(Civil) D.Nos. 26469 of 2020. The Hon'ble Apex Court vide order, dated 29.04.2022 dismissed the same.

(iv)In the meanwhile, the petitioner made several representations to the respondents seeking to award marks and appoint her in the post of PG Assistant Chemistry and the same was not considered. Hence, this writ petition came to be filed.

5.When the matter is taken up for hearing today, the learned Standing Counsel, appearing for the second and third respondents submitted that since the Hon'ble Apex Court dismissed the SLP on 29.04.2022, additional marks have to be awarded to all the candidates, who have participated in the

examination for PG Assistant, Chemistry. As the exercise of re-doing the process of valuation of marks has been taken up by the second respondent based on the copies of OMR answer sheets and based on the final key published in the website, a minimum period of two months time is required to complete the entire exercise.

6.Recording the above said submission, this Court hereby direct the second respondent to re-do the entire exercise of selecting candidates, pursuant to the orders of this Court and Hon'ble Apex Court, within a period of two (2) weeks, from the date of receipt of a copy of this order.

7.Accordingly, this writ petition stands allowed. There shall be no order as to costs.

11.09.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes
PNM

To

1. The Principal Secretary, State of Tamil Nadu,
School Education Department,
Secretariat, Chennai - 9.
2. The Chairman, Teachers Recruitment Board,
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai - 600 006.
3. The Member (School Education),
Teachers Recruitment Board,
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai - 600 006.
4. The Director of School Education,
DPI Campus, Chennai - 600 006.

L.VICTORIA GOWRI, J.

PNM

ORDER IN
W.P.(MD).No.18633 of 2023

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