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W.P.(MD)Nos.3593 to 3596 of 2015

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.04.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)Nos.3593 to 3596 of 2015

and

**M.P.(MD)Nos.1, 1, 1, 1, 2, 2, 2, 2,
3, 3, 3 and 3 of 2015**

W.P.(MD)No.3593 of 2015:

Balamurugan

... Petitioner

vs.

1.The State of Tamilnadu,
represented by its Principal Secretary,
School Education Department,
Secretariat, Fort St. George,
Chennai 600 009.

2.The Teachers Recruitment Board,
represented by its Chairman,
4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai-6.



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- 3.The Director,
Directorate of School Education,
DPI Complex,
College Road, Chennai 600 006.
- 4.The School Education Joint Director
(Vocational Education),
DPI Complex,
College Road, Chennai-600 006.
- 5.The Chief Educational Officer,
Office of the Chief Educational Officer,
Thanjavur District, Thanjavur.
- 6.The Head Master,
Government Higher Secondary School,
Edaiyathi, Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records connected with the order in Na.Ka.No.1502V1/E2/2010, dated 24.07.2013, passed by the respondent No.4 and to quash the same as illegal, consequently, to direct the respondents to reinstate the petitioner in service as Computer Instructor in the 6th respondent school within the time stipulated by this Court.



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W.P.(MD)No.3594 of 2015:

S.Sitharthan

... Petitioner

vs.

- 1.The State of Tamilnadu,
represented by its Principal Secretary,
School Education Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Teachers Recruitment Board,
represented by its Chairman,
4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai-6.
- 3.The Director,
Directorate of School Education,
DPI Complex,
College Road, Chennai 600 006.
- 4.The School Education Joint Director
(Vocational Education),
DPI Complex,
College Road, Chennai-600 006.
- 5.The Chief Educational Officer,
Office of the Chief Educational Officer,
Thanjavur District, Thanjavur.



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6.The Head Master,
Government Higher Secondary School,
Veeramangudi, Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records connected with the order in Na.Ka.No.1502V1/E2/2010, dated 24.07.2013, passed by the respondent No.4 and to quash the same as illegal, consequently, to direct the respondents to reinstate the petitioner in service as Computer Instructor in the 6th respondent school within the time stipulated by this Court.

W.P.(MD)No.3595 of 2015:

V.Amutha

... Petitioner

vs.

1.The State of Tamilnadu,
represented by its Principal Secretary,
School Education Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Teachers Recruitment Board,
represented by its Chairman,
4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai-6.



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3. The Director,
Directorate of School Education,
DPI Complex,
College Road, Chennai-600 006.
4. The School Education Joint Director
(Vocational Education),
DPI Complex,
College Road, Chennai-600 006.
5. The Chief Educational Officer,
Office of the Chief Educational Officer,
Thanjavur District, Thanjavur.
6. The Head Master,
Government Higher Secondary School,
Nattuchalai, Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records connected with the order in Na.Ka.No.1502V1/E2/2010, dated 24.07.2013, passed by the respondent No.4 and to quash the same as illegal, consequently, to direct the respondents to reinstate the petitioner in service as Computer Instructor in the 6th respondent school within the time stipulated by this Court.



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W.P.(MD)No.3596 of 2015:

K.Ravikumar

... Petitioner

vs.

- 1.The State of Tamilnadu,
represented by its Principal Secretary,
School Education Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Teachers Recruitment Board,
represented by its Chairman,
4th Floor, E.V.K.Sampath Maligai,
College Road, Chennai-6.
- 3.The Director,
Directorate of School Education,
DPI Complex,
College Road, Chennai-600 006.
- 4.The School Education Joint Director
(Vocational Education),
DPI Complex,
College Road, Chennai-600 006.
- 5.The Chief Educational Officer,
Office of the Chief Educational Officer,
Thanjavur District, Thanjavur.



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6.The Head Master,
Government Higher Secondary School,
Thiruvonam, Thanjavur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records connected with the order in Na.Ka.No.1502V1/E2/2010, dated 24.07.2013, passed by the respondent No.4 and to quash the same as illegal, consequently, to direct the respondents to reinstate the petitioner in service as Computer Instructor in the 6th respondent school within the time stipulated by this Court.

In all cases:

For Petitioner : Mr.R.Alagumani
For R1, 3 to 6 : Mr.V.Om Prakash
Government Advocate
For R2 : Mr.VR.Shanmuganathan

COMMON ORDER

All these writ petitions are filed challenging the impugned order, dated 24.07.2013 and consequently, to direct the respondents to reinstate



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petitioners as Computer Instructor in the 6th respondent School.

2.The petitioners were appointed as Computer Instructor in the Government Schools. However, the said recruitment was conducted without following proper recruitment process. Therefore, the Government has decided to conduct Special Eligibility Test. In the Special Eligibility Test, 125 candidates had scored higher marks and they were retained in service.

3. The contention of the petitioners is that there were defects in the question paper. Therefore, certain candidates approached the Court. The Hon'ble Division Bench in W.A.No.837 of 2010, vide judgment, dated 20.12.2012, directed the respondents to revalue by detecting the incorrect questions and by taking 130 questions into account. When the respondents had revalued by taking 130 questions, 15 candidates were



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declared pass scoring 50% of marks out of 130 questions and the remaining candidates lost their opportunity. The petitioners are among them. The petitioners are challenging the marks granted to 20 persons from one Presanna to one Ambika by contending that they have also scored less marks, i.e., 63 marks but the said candidates ought to have obtained above 65 marks only.

4. In order to verify the allegation of the petitioner, this Court directed the Teachers Recruitment Board to produce the marks obtained by 125 candidates. The Teachers Recruitment Board submitted the candidates list along with the marks and all of them had obtained more than 75 marks. Therefore, the contention of the petitioners raised in the writ petitions is incorrect. Therefore, this Court is not inclined to entertain this writ petition.



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5. It is seen from the records that the petitioners are aged more than 40 years. At this age, the petitioners cannot seek any public employment.

6. This Court is of the considered opinion that the respondents may consider to retain the petitioners in the service by granting one more opportunity by conducting examination. Since the examination was conducted in the year 2010, now the petitioners would have been gained some more knowledge by this time. Therefore, the official respondents shall consider the petitioners' request. The petitioners are directed to submit a representation to the official respondents and the official respondents shall consider and pass orders within a period of twelve weeks from the date of receipt of such representation, considering the petitioners as special case.



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7. With the above said observation, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

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

03.04.2023

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To

- 1.The Principal Secretary,
State of Tamilnadu,
School Education Department,
Secretariat, Fort St. George,
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- 2.The Teachers Recruitment Board,
represented by its Chairman,
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S.SRIMATHY, J

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