



W.P(MD)No.23635 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 21.06.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.23635 of 2022

and

W.M.P.(MD)Nos.17706 and 17707 of 2022

T.Kalaiselvi

... Petitioner

Vs.

1.The Teachers Recruitment Board,
Rep. by its Member Secretary,
College Road,
Chenani – 600 006.

2.The Commissioner of School Education,
Chenani.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the key answers are incorrect insofar as question Nos.25,42,43,110 and 144 are concerned and to award marks to the petitioner and further direction to appoint the petitioner as P.G.Assistant (Economics) under Most Backward Class Women Category as per the marks obtained by the petitioner.



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For Petitioner : Mr.K.Kalyanakumar

For Respondents : Mr.N.Satheesh Kumar,
Addl. Government Pleader for R2.
Mr.VR.Shanmuganathan,
Standing Counsel for R1.

ORDER

Heard the learned counsel on either side.

2.The petitioner applied for the post of P.G.Assistant (Economics) in response to the notification issued by the Teachers Recruitment Board. The petitioner was awarded 79 marks and she had not been selected. Challenging her non-selection, the present writ petition has been filed.

3.It appears that the cut off mark is 79 and the petitioner got excluded on account of her age. The stand of the petitioner is that the key answer for following question is palpably wrong and that she had given the correct answer and that she should be awarded one mark. The said question is as follows:-



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“110. Of the total outlay of the 9th five year plan which

sector was allocated the maximum

A : Irrigation and Floor Control

B : Agriculture and Rural Activities

C : Energy

D : Social Services.”

4. According to the petitioner, the energy sector was allotted the maximum outlay. According to the key answer, agriculture and rural activities had been given the maximum outlay.

5. I called upon the learned standing counsel to produce materials based on which they came to the conclusion that option “B” is correct.

6. It is seen therefrom that for agriculture and rural activities 19.4% was allotted out of the total outlay whereas for energy sector 25.1% had been allotted. Therefore, based on the materials relied on by the expert themselves, option “C” is correct and option “B” is incorrect. The petitioner is therefore entitled to be awarded one more mark. Of course, the benefit of this order will enure in favour of the petitioner alone and it shall not open any floodgates.



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G.R.SWAMINATHAN, J.

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7.This writ petition is allowed on these terms. No costs.

Consequently, connected miscellaneous petitions are closed.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

The Commissioner of School Education,
Chenani.

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