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W.P.No.1043 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

**W.P.No.1043 of 2024**

**and**

**W.M.P.No.1100 of 2024**

R.Muniraju

...Petitioner

-Vs-

1.School Education Department,  
Represented by its Director,  
DPI Campus, College Road,  
Nungambakkam,  
Chennai – 600 006.

2.The Teachers Recruitment Board,  
Represented by its Chairman/Member Secretary,  
DPI Campus, College Road,  
Nungambakkam,  
Chennai – 600 006.

... Respondents

**Prayer :** Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents herein to implement the order dated 07.02.2014 made in W.P.No.3458 of 2014 by this Court by including 21 grace marks, weightage marks for employment seniority and teaching experience with the original 101 marks and appoint him in the post of P.G.Assistant (Tamil) any one of the Government School by fixing scale of pay forthwith.



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For Petitioner : Mr.G.Ethirajulu  
For R1 : Mr.S.Arumugam  
Government Advocate  
For R2 : Mr.R.Neelakandan  
Additional Advocate General  
assisted by  
Mr.R.Siddarth  
Government Advocate

### **ORDER**

This writ petition has been filed for direction directing the respondents herein to implement the order dated 07.02.2014 made in W.P.No.3458 of 2014 by this Court by including 21 grace marks, weightage marks for employment seniority and teaching experience with the original 101 marks and appoint him in the post of P.G.Assistant (Tamil) any one of the Government School by fixing scale of pay forthwith.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner is qualified with Master degree and had experience in teaching profession. He is also qualified with M.Phil and B.Ed. While being so, the second respondent issued a notification for direct recruitment to the post of



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P.G.Assistant in Tamil, in the year 2013. The petitioner had also applied for the said post. He had appeared for the written examination. He attended B-series question paper, in which, there were 44 erroneous questions which could not be answered. Therefore, a detailed representation dated 18.11.2013 was submitted to the second respondent and several candidates filed writ petitions before this Court. The Hon'ble Division Bench of this Court, directed the respondent Board to award 21 grace marks and to keep one post vacant by way of an interim order. Accordingly, the writ petition was ordered and thereby, directed to work out the ranking of the petitioners by providing 21 grace marks and disposed of the writ petition. The petitioner herein also obtained such direction in W.P.No.3458 of 2014 by an order dated 07.02.2014. However, so far, the direction issued by this Court has not been complied with. Hence, this writ petition.

4. The learned Additional Advocate General appearing for the second respondent submitted that as against the order passed by the Hon'ble Division Bench of this Court, the Government and Teachers Recruitment Board filed a Review Application. The special stand taken by them was that, since the provisional selection list was already published, the subsequent claim of the



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writ petitioner to award grace marks is unsustainable. Further, if the direction issued by the Hon'ble Division Bench of this Court is implemented, the similarly placed candidates, who appeared for the written examination for the post of Post Graduate Assistants in Tamil with B series question paper, would also approach the Court belatedly for similar relief and it will open floodgates of litigation before this Court.

5. Considering the above submission, the Hon'ble Division Bench of this Court in **Rev.Appln.No.82 of 2023** dated **05.04.2023** held as follows:-

*“10. At this Juncture, it is to be noted that, the learned Single Judge has discussed the matters elaborately and also observed that the writ petitioners (including the writ petitioner herein) have not approached this Court promptly and they are guilty of laches. Finally the learned Single Judge dismissed the writ petitions as infructuous, holding that all the writ petitions (including the instant writ petition in W.P.No.1775/2014) came to be filed only after final results were published by the Teachers Recruitment Board, as per the interim order passed by the Division Bench dated 11.12.2013. However, the Division Bench of this Court has set aside the order of the Single Judge, and directed the respondent authorities to conduct recruitment, subject to the result of W.A.(MD).Nos.1089 and 1090 of 2013, which is unsustainable.”*



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6. Therefore, the Hon'ble Division Bench of this Court, allowed the review application and set aside the order in W.A.No.822 of 2014 dated 04.11.2016 passed by the Hon'ble Division Bench of this Court. That apart, the petitioner, after a period of ten years, approached this Court to implement the order passed in W.P.No.3458 of 2023.

7. The learned counsel for the petitioners submitted that the petitioner had received the review application and however, it is at the SR stage and as such, though the petitioner received the copy of the review application, there is no interim order passed by this Court. Further, already the similarly placed matters have been reviewed by the Hon'ble Division Bench of this Court.

8. In view of the above, the direction sought for in this writ petition cannot be considered and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected Miscellaneous petition is closed. There shall be no order as to costs.

18.01.2024

Internet: Yes  
Index : Yes/No  
Speaking/Non Speaking order  
mn



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**G.K.ILANTHIRAIYAN. J.**

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To

1. The Director,  
School Education Department,  
DPI Campus, College Road,  
Nungambakkam,  
Chennai – 600 006.
2. The Chairman/Member Secretary,  
The Teachers Recruitment Board,  
DPI Campus, College Road,  
Nungambakkam,  
Chennai – 600 006.

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and  
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