



WEB COPY



W.A.No.1.....

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2024

CORAM:

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR
AND
THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.A.No.1328 of 2022 and
C.M.P.Nos.8392 & 8393 of 2022

K.Kalaiselvan

... Appellant/Petitioner

-VS-

1. The Teachers Recruitment Board,
Represented by its Member Secretary,
4th Floor, EVK Sampath Maaligai,
DPI Campus, College Road,
Chennai-600 006.
2. The Director,
Directorate of School Education,
Government of Tamil Nadu,
No.17, College Road, Thousand Lights West,
Subba Road Avenue, Nungambakkam,
Chennai-600 008.
3. State of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Fort St.George, Chennai-600 009.
4. State of Tamil Nadu,
Represented by its Chief Secretary,
Fort St.George, Chennai-600 009.

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters Patent to set aside the order dated 11.08.2021 made in W.P.No.2549 of 2020 and allow the Writ Petition.



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For Appellant : Mr.M.Nirmal Kumar
For R1 : Mr.R.Neelakandan
Addl. Advocate General
Assisted by Mr.K.Sathish Kumar
Standing Counsel
For R2 to R4 : Mr.V.M.Ravichandran
Spl. Govt. Pleader

J U D G M E N T

(By D.Krishnakumar,J.,)

This Writ Appeal has been filed, challenging the order of the learned Single Judge dated 11.08.2021 made in W.P.No.2549 of 2020, by which the Writ Petition filed by the Writ Petitioner/Appellant herein, was dismissed based on the report of the Two Member Committee.

2. The brief facts in nutshell are that the Writ Petitioner / Appellant herein, having graduated in B.Sc., Computer Science in the year 2004, completed Post Graduation in Computer Applications in 2008 and also qualified in Bachelor of Education from the Tamil Nadu Teachers Education University in 2010, applied for the post of Computer Instructors Grade-I (Post Graduate Cadre), pursuant to which, he was assigned Roll No.19PGC14511315 with Registration No.TRBPGC5791772. As per Notification issued by the Teachers Recruitment Board (TRB), the examination was to be conducted through online consisting of a single paper of 3 hours with 150 multiple choice questions and in terms of the Rules, the total marks of 150 were to be distributed



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in three different subjects with the award of 130 marks for Computer Science, 10 marks for General Knowledge and another 10 marks for Education Psychology. According to the Appellant, though the duration of examination was 3 hours between 10:00am and 1:00pm, due to server problem, the server did not automatically get shut down and the appellant was instructed to close the server on the expiry of 3 hours.

3. The appellant submitted that on account of technical defect, on one hand, candidates, who had opted for other centres for written examination did not attend the examination, on the other hand, several candidates were allowed to write the examinations beyond permissible hours, which had resulted in indulgence of malpractices by the candidates and the same were flashed in the news reports. The Appellant further submitted that re-examination was scheduled to be conducted on 27.06.2019, allowing candidates only from two centres to attend the examinations and though there was a demand from several candidates to cancel the examination, without considering their requests, the respondents proceeded to publish a list of selected candidates on 11.01.2020. Therefore, the appellant, by way of representation dated 12.01.2020, brought to the notice of 1st respondent about the discrepancies with a request to cancel the entire recruitment process and the said representation did not evoke any response, which necessitated the appellant to file a Writ Petition in W.P.No.2549 of 2020 before the Writ Court. By an order dated 17.12.2020, the learned Single Judge,



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while dismissing the Writ Petition, had passed an order, appointing a Retired Judge of this Court to be a One-Man Committee for conducting a thorough enquiry into the allegations and the One-Man Committee was subsequently converted into a Two Member Committee by the Division Bench on 10.02.2021.

4. It was stated by the appellant that aggrieved by the order of the learned Single Judge, the appellant herein filed W.A.No.330 of 2021, which was disposed of on 10.02.2021 by a Division Bench of this Court with the following directions:

“3. For such purpose, the learned retired Judge, as appointed by the order dated December 17, 2020, is requested to induct a retired police official not below Deputy Inspector General of Police rank and without any political leanings so that the Committee now comprises two members. The Committee will undertake a broadbased study of the manner in which the examination was conducted at the various centres. It will be open to the Committee to see the CCTV footage. In the event the CCTV footage is not available at some of the centres, the Committee must seek an explanation therefor. It will also be open to the Committee to speak to the examinees at the centres or the examinees at the centres for which no CCTV footage is available so that all apprehension expressed by the writ petitioners may be allayed.

4. The Committee should conclude the exercise within a period of six weeks from the date of the constitution thereof and ensure that the report is filed before the appropriate Single Bench by April 30, 2021.”

5. The Two Member Committee, after going into the veracity of the allegations made by the candidates, had submitted a report before the learned Single Judge, based on which, the issue was given quietus to on 11.08.2021 and the Writ



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Petition was dismissed, the order of which is under challenge in this Writ Appeal on the ground that the report has not been furnished to the appellant and no opportunity has been afforded to the appellant to put forth his defence.

6. Per contra, learned Additional Advocate General appearing for the 1st respondent and the learned Special Government Pleader for R2 to R4 strenuously contended that the prayer sought in the Writ Petition was only a mandamus and in pursuance of the complaint preferred by several candidates, after receipt of the report, re-examination was conducted on 27.06.2019. It was further contended that there was no more complaint received and TRB had also not reported any other malpractices. Totally, 192 candidates forwarded their representations, which pertained to 59 centres out of 119 centres and though 190 candidates had accepted the findings recorded by the Committee, only two candidates, including the appellant herein initiated *lis* before the Court. Since the learned Single Judge has considered the entire issue on the basis of the report of the Committee and dismissed the Writ Petition, the order of the learned Single Judge does not warrant any interference by this Court and the present Writ Appeal is liable to be dismissed.

7. Heard the learned counsel for the respective parties and perused the material documents available on record.

8. The grievance of the appellant appears to be that due to the server



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problem, some candidates were allowed to write examinations beyond the specified time slot, whereas a few other candidates could not be able to attend the examination. The apprehension of the appellant is that there is every possibility for malpractices on account of the improper conduct of the examinations by the respondents. When the issue got flared up in the news papers, a report was called for and re-examination was conducted on 27.06.2019. Subsequently, the respondents also published the list of candidates on 11.01.2020, who had been provisionally selected.

9. Admittedly, the appellant had espoused his cause only after publication of the provisional list and his apprehension with regard to the malpractices owing to server problem cannot be countenanced, as the Two Member Committee had gone into all the aspects and submitted a report before this Court. Moreover, out of 192 candidates, 190 candidates, including 49 successful candidates were fully satisfied with the report. That apart, the appellant has not either challenged the Notification or the provisional list. It is reported that based on the provisional list, candidates have been issued appointment order by the TRB and they have been working in the respective places. The Committee appointed by this Court had categorically clarified that CCTV footage wherever installed in the examinations centres have been viewed by the Committee and also sought explanation from certain centres where there was no CCTV and got satisfied about its non-availability and the explanation. Therefore, the learned



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Single Judge, after analyzing the report of the Committee *in toto* dismissed the Writ

Petition, which, in our view is perfectly justified and needs no interference.

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10. In the result, finding no substance in the argument advanced by the appellant, this Writ Appeal fails and stands dismissed as devoid of merits. No costs. Consequently, connected miscellaneous petitions are closed.

[D.K.K., J.,]

[K.B., J]

06.06.2024

Index: Yes / No

Internet: Yes / No

Speaking Order/Non Speaking Order

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D.KRISHNAKUMAR,J.,

AND

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To:

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