



W.P.No.5116 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM:

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

W.P.No.5116 of 2024

T.S.Rajasekar

... Petitioner

Vs.

1.The State of Tamilnadu,
Represented by its Secretary,
School Education Department,
Secretariat,
Chennai

2.The Chairman,
Teachers Recruitment Board, 4th Floor,
EVK, Sampath Malaigai,
DPI Compound, College Road,
Chennai

3.The Member (School Education),
Teachers Recruitment Board,
Chennai

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a writ of Mandamus directing the respondents to award marks and appoint petitioner for the post of Post Graduate Assistant in Chemistry Subject by way of redo the entire selection process in view of judgment dated 29.04.2022 passed by the Hon'ble Supreme Court in SLP(Civil) Diary No.26469 of 2020.

For Petitioner : Mr.K.Myilsamy



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For Respondents

For R1 & 3 : Mrs.S.Mythreye Chandru,
Special Government Pleader

For R2 : Mr.R.Siddharth,
Government Advocate

ORDER

This writ petition is filed for direction to the respondents to award marks and appoint petitioner for the post of Post Graduate Assistant in Chemistry Subject by way of redo the entire selection process in view of judgment dated 29.04.2022 passed by the Hon'ble Supreme Court in SLP(Civil) Diary No.26469 of 2020.

2. The case of the petitioner is that he applied for the Post of Post Graduate Assistants and Physical Education Directors Grade (1) on the basis of direct recruitment and attended written examination. Subsequently, the respondents published tentative answer keys. According to the petitioner, there are lot of mistakes, discrepancies and confusions in the published tentative answer keys. Hence, the petitioner filed a writ petition in W.P.No.28055 of 2017 and the same was disposed vide order dated 07.09.2018 with a direction to the respondents to



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consider the representation of the petitioner. However, his representation was not considered.

3. The learned counsel appearing for the petitioner submitted some candidates filed a writ petition in W.P.(MD) No. 15953 of 2017 before this Court for awarding marks in respect of defective question and the same was allowed vide order dated 20.09.2017. Hence, the petitioner's claim is that, if these marks are awarded to him, he will be a successful candidate and also will be in the zone of consideration and eligible to be appointed.

4. The learned Government Advocate submits that aggrieved by the order dated 20.09.2017 the respondents filed W.A.Nos. 194 to 199 of 2018 before this Court and the same was disposed of vide order dated 16.02.2018. In the said writ appeal, the Division Bench of this Court clarified that though there are any writ petitioners, award of marks were confined only to those, who were in the zone of consideration and further, held that the benefit of the order cannot be extended to any other candidates. Therefore, a review application has been filed in



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Rev.Aplw(MD) No.153 of 2019 dated 19.09.2019 and in the said order, the benefit of the earlier order dated 16.02.2018 passed in W.A.Nos. 194 to 199 of 2018 was extended to all the candidates who have not approached the Court and the respondents were directed to re-do the selection process in entirety.

5. On a perusal of records it is seen that against the Review Application(MD) No.153 of 2019, the respondents have also preferred an SLP before the Hon'ble Supreme Court in SLP.D.26469 of 2020 and the same was dismissed by order dated 29.04.2022. Thus, the order passed in Review Application (MD) No.153 of 2019 dated 19.09.2019 by the Divisions Bench of this Court has attained finality and is binding on the respondents.

6. In view of the above, this Court is of the view that since the order passed in Review Application on 19.09.2019 by the Division Bench of this Court has attained finality and in view of the dismissal of the SLP, the respondents will have to re-do the entire process of selecting the respective candidates for the various posts. This Court directs the second



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respondent to re-do the entire process of selecting candidates pursuant to the award of additional six marks to the respective candidates on merits and in accordance with law within a period of three months from the date of receipt of a copy of this Order.

7. With the aforesaid direction, this writ petition is disposed of.

No order as to costs.

29.02.2024

Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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G.K.ILANTHIRAIYAN, J.

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To

1. Secretary,
The State of Tamilnadu,
School Education Department,
Secretariat,
Chennai
2. The Chairman,
Teachers Recruitment Board, 4th Floor,
EVK, Sampath Malaigai,
DPI Compound, College Road,
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