



W.P.No.30666 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.02.2024

CORAM:

THE HONOURABLE MR.JUSTICE J. SATHYA NARAYANA PRASAD

W.P.No.30666 of 2012
and
W.M.P.No. 1 to 3 of 2012

Vijayaragavan

Vs.

... Petitioner

1. The Chairman,
Teacher's Recruitment Board,
College Road,
Chennai – 600 006.
2. The State of Tamil Nadu,
Represented by its Secretary to Government,
Higher Education Department,
Fort St. George, Chennai – 600 009.
3. The Director,
Director of Technical Education,
Chennai – 600 025.
(R2 and R3 are impleaded as per
order dated 06.12.2023 WMP.No. 33672
of 2023 in W.P. 30666 of 2012)

... Respondents



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PRAYER : Writ Petition filed under Article 226 of Constitution of India seeking Writ of Certiorarified Mandamus, calling for the records relating to the impugned Provisional Selection List of the first respondent for appointment of Lecturer in the Government Polytechnic Colleges 2012 in Mechanical Department and quash the same, consequently direct the first respondent herein to re-evaluate the petitioner answer paper in examination conducted for the post of Lecturer in Government Polytechnic College 2012 by rectifying the wrong key answer in respect of the question number 27 and 46 and to hold the petitioner as having selected to the post of Lecturer of Government Polytechnic Colleges thereon and direct the respondent 2 and 3 to appoint the petitioner as lecturer in any one of the Government Polytechnic College of the respondent on par with the same batch recruited and appointed pursuant to the above said impugned selection list with all benefits including seniority. (Prayer amended as per order dated 06.12.2023 in WMP.No. 33678 of 2023 in W.P.No. 30666/2012)

For Petitioner : Mr.V.Neethidurai

For R1 : Mr.R. Neelakandan
Assisted by C.Kathiravan
Special Government Pleader

For R2 & R3 : Mr.T.M.Rajangam
Government Advocate

ORDER

This writ petition is filed seeking Certiorarified Mandamus to quash the impugned Provisional Selection List of the first respondent for appointment



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of Lecturer in the Government Polytechnic Colleges 2012 in Mechanical Department and consequently direct the first respondent to re-evaluate the petitioner answer paper in examination conducted for the post of Lecturer in Government Polytechnic College 2012 by rectifying the wrong key answer in respect of the question No. 27 and 46 and to hold the petitioner as having selected to the post of Lecturer of Government Polytechnic Colleges thereon and direct the respondents 2 and 3 to appoint the petitioner as lecturer in any one of the Government Polytechnic College of the respondent on par with the same batch recruited and appointed pursuant to the above said impugned selection list with all benefits including seniority.

2.The case of the petitioner is as follows:-

2.1 The petitioner has qualified of B.E., Mechanical Engineering and attended the examination for the direct recruitment to the post of lectures in Government Polytechnic college-2012 conducted by the Teachers Recruitment Board the first respondent herein and roll number of the petitioner is 12PT02290315. The petitioner appeared in the written examination and the first respondent published the answer key for all the 150 questions. In the first publication of key answer, for question No. 27 the right answer was given as



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option 'C' but subsequently the first respondent published another key answer for question No. 27 as option 'A'. The second publication of answer key in respect of question No. 27 is absolutely wrong. The petitioner gone through many standard text books those are clearly show that the option C is the right answer for the question No. '27'.

2.2 In this regard, the question No. 46 the first respondent has given option 'A' is the right answer with regard to the same, the petitioner has consulted with many professors who expert in the subjects they also confirmed that option B is the right answer. In respect of question Nos. 27 and 46, the petitioner gave a representation to the first respondent for change of answer key in respect of the question Nos. 27 and 46 after having consultation with the experts in that subject.

2.3 The first respondent without considering the representation of the petitioner continued the recruitment process which caused the deprivation of right of employment guaranteed under Article 14 and 16 of Constitution of India.



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3. The learned counsel appearing for the petitioner would submit that the first respondent knowingly published the wrong answer key for question Nos. 27 and 46 for the reason well known to them and had thrown out the meritorious scored candidates like petitioner.

4. It is further submitted by the learned counsel for the petitioner that on 18.10.2012, the first respondent published the result and notionally selected candidate list also published and fixed cut-off marks to each category accordingly. The first respondent has fixed 129 as the cut-off marks to MBC category selected candidates. The petitioner belonging to MBC category and secured 128 marks out of 190 marks for want of one mark the petitioner was not selected to that post.

5. The learned counsel for the petitioner would further submitted that though the petitioner answered option C for question No. 27 and option 'B' for question No. 46 and these are the correct answer, because of the wrong key answer given by the first respondent, the petitioner was not selected to the said post. The fact about the wrong key answer were brought to the knowledge of



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the first respondent immediately after the publication of the key answer and the petitioner also made a representation dated 29.10.2012 to the first respondent regarding the disputed key answers for the question Nos. 27 and 46, but there was no reply from the Teacher's Recruitment Board regarding the rectification of wrong key answer and the first respondent has not taken any action to rectify the same. No expert committee or no expert opinion had sought for. Instead the Board had proceeded with the valuation of the answer sheets and selection process without rectifying the wrong key answers for the question Nos. 27 and 46 issued by the respondent Board. This lethargic attitude resulted of non selection of the petitioner which is unlawful against the rules and regulations. The learned counsel for the petitioner submits that there are 498 vacancy as on date to the post of lecturer in Government Polytechnic Colleges.

6. The first respondent has filed counter affidavit whereas it is stated that the first respondent board published the tentative key answers on the Board's website on 20.06.2012 and the representation, objections etc., were invited from the candidates within a week. Thereafter, all the representations received within the stipulated time have been thoroughly examined by the expert committee formed by the Board. After thorough scrutiny a revised and



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final answer key has been arrived at and based on that all OMR answer sheets have been valued.

The tentative key answer and final key answer for the disputed questions are as follows:

<i>Question series</i>	<i>Question Number</i>	<i>Tentative Key Answer</i>	<i>Final Key Answer after scrutiny</i>	<i>Petitioner's Answer</i>
B	27	C	A	C
B	46	A	A	B

7. Learned Special Government Pleader appearing for the first respondent has further submitted that the petitioner wrote the examination for the post of lecturer in Mechanical Engineering and scored 128 marks as per final key answer. The petitioner belongs to Most Backward Class Category and the petitioner was call for certificate verification on 22.07.2012. As he was not eligible for any weightage marks at the time of certificate verification his score after certificate verification remained at 128. The cut-off marks of the last candidate who got selected under Most Backward Class has secured 129 marks. Since, the petitioner has secured less than the cut-off marks in the communal turn of MBC (G) he could not be considered for final selection.



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8. Learned Special Government Pleader further submitted that the petitioner has failed to send objections to the tentative key answer for question No. 46 in B series within the stipulated time and final key answer after scrutiny was published on 10.07.2012 and even after the publication of final key answer, the candidate did not bother to send any representation against the final key answer for question No. 27 in 'B' series and the petitioner himself admitted in para 7 of his affidavit that he sent his representation challenging the key answers to the aforesaid questions Nos. 27 and 46 of B series only on 29.10.2012 i.e., after publication of final selection list on 18.10.2012.

9. Heard both sides and perused the materials available on record.

10. The issue in this writ petition is relating to the wrong key answers published by the first respondent/Teacher Recruitment Board for question Nos. 27 and 46. Accordingly to the Board the answer given for question No. 27 is 'A' and the answer given for question No. 46 is also 'A' whereas the petitioner has given answer 'C' for question No. 27 and for question No. 46 is B.



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11. This Court by order dated 05.09.2023 has directed the “Dean, Anna University, Madras (Mechanical Department) and the Director, IIT Madras, Chennai (Mechanical Department) to send their opinion with proper answer key for the above question Nos. 27 and 46 to this Court on or before 26.09.2023 and Registry was directed to send a copy of this order to 'The Dean, Anna University, Madras (Mechanical Department) and The Director, IIT Madras, Chennai (Mechanical Department)’”

12. Thereafter, the Anna University has sent the report by which the correct key answer for question No. 27 is option 'C' and for question number is 46 is 'B' and thereafter the IIT Madras has also sent a report dated 10.10.2023 according to which the correct key answer for question No. 27 is option “C” and for question No. 46 is 'B'. The petitioner has rightly answer for both the question Nos. 27 and 46 by giving correct key answer 'C' and 'B' respectively.



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13. According to the counter affidavit filed by the first respondent, the mark obtained by the petitioner who belongs to the MBC category general is 128 marks. If this 2 marks were added total marks obtained by the petitioner is 130 and the cut-off is 129. Hence, the petitioner is eligible for the appointment to the post of Lecturer in the Mechanical Engineering Department in view of the opinion given by the Anna University, IIT Madras, Chennai.

14. In view of the above factual matrix of this case, this Court is of the considered view that the petitioner is eligible for appointment to the post of Lectures in Government Polytechnic College. The second and third respondents are directed to appoint the petitioner to the post of lecture in one of the Government Polytechnic College of the respondent on par with the same batch recruited and appointed pursuant to the above said impugned selection list with all benefits including seniority.

15. The first respondent Teacher Recruitment Board is directed to send the selection list to the user department within a period of four weeks from the date of receipt of a copy of this order and the second and



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third respondents shall issue appropriate orders to appoint the petitioner to the post of Lecturer in Mechanical Engineering Department in Government Polytechnic College within a period of six weeks from the date of receipt of a copy of this order.

16. In the result, this writ petition stands allowed and connected
W.M.Ps. are closed. No costs.

20.02.2024

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Index: Yes/No

Speaking Order : Yes/No

Neutral case citation: Yes/No



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