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WP.No.28477 of 2024

In the High Court of Judicature at Madras

Dated : 01.10.2024

Coram :

The Honourable Mr.Justice N.ANAND VENKATESH

Writ Petition No.28477 of 2024
& WMP.Nos.31049 & 31051 of 2024

C.Sendhil

...Petitioner

Vs

1.The Government of Tamil Nadu,
rep.by its Secretary to Government,
School Education Department,
Fort St.George, Chennai-9.

2.The Joint Director of School
Education (Personnel), Puratchi
Thalaivar Dr.MGR Centenary Building,
3rd & 4th Floor, Perasiriyar
Anbazhagan Kalvi Valagam,
College Road, Nungambakkam,
Chennai-6.

3.Tamil Nadu Teachers Recruitment
Board, rep.by its Secretary,
Puratchi Thalaivar Dr.MGR Centenary
Building, 3rd & 4th Floor, Perasiriyar
Anbazhagan Kalvi Valagam,
College Road, Nungambakkam,
Chennai-6.

...Respondents

PETITION under Article 226 of The Constitution of India praying
for the issuance of a Writ of Certiorarified Mandamus to call for the
records of the impugned provisional selection list dated 23.8.2024



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issued by the 3rd respondent pursuant to Notification No.3/2023 dated 25.10.2023 to fill up the post of Graduate Teachers (Tamil) alone is concerned, quash the same in respect of the petitioner's non selection and consequently direct the 3rd respondent/Teacher Recruitment Board to grant marks to the correct answers written by the petitioner and thereafter publish the provisional selection list and final selection list for the Graduate Teachers (Tamil) is alone concerned.

For Petitioner	:	Mr.R.Venkatesulu
For R1 & R2	:	Mrs.Mythreye Chandru, SGP
For R3	:	Mr.K.Sathish Kumar, Standing Counsel

ORDER

This writ petition has been filed challenging the provisional selection list published by the third respondent dated 23.8.2024 and for a consequential direction to the third respondent to allot marks for the correct answers given by the petitioner and to include the name of the petitioner in the selection list for the post of Graduate Teacher (Tamil).

2. Heard the learned counsel on either side.



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3. When the matter came up for hearing on 30.9.2024, this Court passed the following order :

"Mrs.S.Mythreye Chandru, learned Special Government Pleader, takes notice for respondents 1 and 2. Mr.K.Sathish Kumar, learned Standing Counsel takes notice for 3rd respondent.

2. In the instant case, the dispute is regarding three questions viz., Question Nos. 83,143 and 144. The petitioner has made reference to some books and is claiming that the correct answer for Question No.83 is "C", the Correct answer for Question No.143 is "B" and the correct answer for Question No.144 is "D". The petitioner has secured 93 marks and he belongs to the MBC (G) category. According to the petitioner, if these three marks are allotted to the petitioner, he will come within the zone of consideration.

3. The learned Standing counsel appearing for the 3rd respondent has received written instructions from the 3rd respondent. The written instructions does not deal with the above three questions, which have been referred. The learned Standing Counsel shall take specific instructions on these three questions and the material based on which the committee decided the correct answers for Question Nos.83, 143 and 144.

4. Post this case at the end of the motion list on 01.10.2024."

4. Pursuant to the said order dated 30.9.2024, the learned Standing Counsel appearing for the third respondent has produced all the relevant materials before this Court in a sealed cover.



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5. The specific case of the petitioner is that for question Nos.83, 143 and 144, the correct answers are C, B & D respectively. In order to substantiate the same, the petitioner placed reliance upon some of the text books. It is also claimed that one of the text books is an authorized text book even according to the Education Department.

6. On the other hand, the learned Standing Counsel appearing for the third respondent has produced materials, based on which, the Expert Committee found that the answers for question Nos.83, 144 & 144 were A, A & B respectively.

7. This Court has carefully considered the submissions of the learned counsel on either side and perused the materials available on record.

8. In the instant case, after the tentative key answers were issued by the third respondent on 19.2.2024, the petitioner made objections on 24.2.2024 to seven questions along with the materials that were relied upon. Based on the objections raised by the petitioner and others, the final key answers were published by the third respondent on 18.5.2024. Thereafter, the exam results were declared, in which, the petitioner secured 88 marks. The petitioner was also



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called for certificate verification on 01.6.2024.

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9. The petitioner knew about the fact that for three questions namely question Nos.83, 143 and 144, the objections raised by the petitioner were rejected and the Expert Committee had given the key answers as A, A & B respectively. If the petitioner is aggrieved by that, the petitioner ought to have immediately challenged the same. However, the petitioner waited till the provisional selection was published by the third respondent on 23.8.2024 on the ground that had some marks been awarded to him, he would have got into the zone of consideration. It is under these circumstances, the above writ petition has come to be filed before this Court.

10. In the considered view of this Court, the petitioner relied upon some materials to support his answers for question Nos.83, 143 & 144. The Expert Committee also placed reliance upon some materials to support their answers for question Nos.83, 143 & 144 respectively. It is too difficult for this Court to come to a definite conclusion as to which material relied upon by both the parties is correct. The Expert Committee consisted of some specialists, who had referred to the relevant materials to find out the correct answers for question Nos.83, 143 & 144 respectively. There is no reason for



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rejecting the final answers that were determined by the Expert Committee unless they are found to be unsustainable on the face of it. This Court, while exercising jurisdiction under Article 226 of The Constitution of India, does not generally go into the realm of specialization.

11. The petitioner waited till the provisional selection list was published and thereafter approached this Court. The petitioner, at this length of time, is questioning the final key answers published as early as on 18.5.2024. If this Court interferes at this length of time, it will completely dislodge the selection already made. Hence, the delay on the part of the petitioner to question the final key answers is also put against the petitioner.

12. In the light of the above discussions, this Court does not find any ground to grant the relief sought for in this writ petition.

13. Accordingly, the writ petition is dismissed. No costs. Consequently, the connected WMPs are also dismissed.

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N.ANAND VENKATESH,J

RS

To

- 1.The Secretary to Government of Tamil Nadu,
School Education Department,
Fort St.George, Chennai-9.
- 2.The Joint Director of School Education
(Personnel), Puratchi Thalaivar Dr.MGR
Centenary Building, 3rd & 4th Floor,
Perasiriyar Anbazhagan Kalvi Valagam,
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Chennai-6.
- 3.The Secretary, Tamil Nadu Teachers
Recruitment Board, Puratchi Thalaivar
Dr.MGR Centenary Building,
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