



WEB COPY



WA No.2554 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.07.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

WA No.2554 of 2022

S.Karthikeyan

... Appellant

versus

- 1.The Chairman
Teachers Recruitment Board,
4th Floor, EVK, Sampath Malaigai,
DPI Compound, College Road,
Chennai.
- 2.The Expert Committee, (Chemistry),
Teachers Recruitment Board,
EVK, Sampath Malaigai,
DPI Compound, College Road,
Chennai.
- 3.The State of Tamil Nadu,
Represented by its Secretary,
School Education Department,
Secretariat, Chennai.



WA No.2554 of 2022

4.The State of Tamil Nadu,
Represented by its Secretary to the Government,
Department of Higher School Education,
Fort St.George,
Chennai.

... Respondents

PRAYER: Writ Appeal filed against the order of the learned Single Judge
in WP No.26991 of 2017 dated 09.09.2022.

For the Appellant	:Mr.K.Myilsamy
For the Respondents	:Mr.R.Neelakandan Additional Advocate General Assisted by Mr.C.Karthiravan Special Government Pleader for respondents 1 and 2 Mr.D.Ravichander Special Government Pleader for respondents 3 and 4

JUDGMENT

(Judgment of the Court was delivered by *D.KRISHNAKUMAR, J.*)

The appellant/writ petitioner has filed the writ petition seeking award of marks for the question wrongly framed and for a direction to the Teachers Recruitment Board to call the appellant/petitioner for certificate verification for the post of P.G.Assistant.



WA No.2554 of 2022

2. The writ court, by order dated 09.09.2022, had dismissed the writ petition on the ground that the issue had already been decided by the Hon'ble Division Bench of this Court in W.A.(MD) No.194 to 199 & 2019 to 212 of 2018 on 16.02.2018. Consequently, respondents/Teachers Recruitment Board undertook the process of verifying the answer sheets of the candidates and accordingly, selected all the eligible candidates and appointment orders were also issued. Since the appellant/petitioner had scored only 73 marks less than the qualifying marks, he was not within the zone of consideration in BC category and therefore was not called for certificate verification. Challenging the said order, the appellant/petitioner has filed the present intra court appeal.

3. Learned Special Government Pleader appearing for the respondents 3 and 4 submitted that against the order passed in W.A.(MD) No.194 to 199 & 2019 to 212 of 2018 dated 16.02.2018, the Education Department has preferred an appeal before the Hon'ble Supreme Court *in SLP No.26469 of 2020*. The Hon'ble Supreme Court by order dated 29.04.2022 has held as follows:

3/7



WA No.2554 of 2022

"The Review order was passed on 19.09.2019 by the High Court which has also been assailed in the present petition. In terms of the review order, it has been accepted that while the initial endeavour was for the benefit of six candidates, an exercise would require to be undertaken in entirety and thus, even the persons who had not come to the court, the exercise had to be re-done and thus no clarification was required."

4. Learned counsel for the appellant submits that in the light of the decision of the Hon'ble Supreme Court cited supra, the appellant/petitioner is entitled for awarding of additional marks for the question wrongly framed and he is restricting to awarding of one mark and consequent to which, the name of the appellant will come under the zone of consideration.

5. Learned Additional Advocate General appearing for Teachers Recruitment Board also reiterated the stand of the appellant that the appellant is entitled for awarding of one mark.

6. In the light of the order passed by the Hon'ble Supreme Court, the appellant is entitled for awarding of one mark. The Hon'ble Supreme Court



WA No.2554 of 2022

has passed the order on 29.04.0222. However, the selection process has not been completed till now. Therefore, we direct the respondent board to complete the entire process of selection, as early as possible, within a period of four months from the date of receipt of a copy of this order.

7. With the above directions, the writ appeal stands disposed of.

There shall be no order as to costs.

[D.K.K., J.] [K.B., J.]
15.07.2024

Index : Yes/No
Neutral Citation : Yes/No
mrn

To

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

2.The Expert Committee, (Chemistry),
Teachers Recruitment Board,
EVK, Sampath Malaigai,
DPI Compound, College Road,
Chennai.

5/7



WA No.2554 of 2022

3.The Secretary,
School Education Department,
Secretariat, Chennai.

4.The Secretary to the Government,
Department of Higher School Education,
Fort St.George,
Chennai.



WEB COPY



WA No.2554 of 2022

D.KRISHNAKUMAR, J.
and
K.KUMARESH BABU, J.

(mrn)

WA No.2554 of 2022

15.07.2024