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W.P.No.23769 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.07.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.23769 of 2017

and

W.M.P.Nos.24990 to 24992 of 2017

R.Baskaran

... Petitioner

Vs.

1. The Chairman,
Teachers' Recruitment Board,
EVK Sampath Maligai,
4th Floor, DPI Compound,
College Road, Chennai – 600 006.
2. The Member Secretary,
Teachers' Recruitment Board,
EVK Sampath Maligai,
4th Floor, DPI Compound,
College Road, Chennai – 600 006.
3. The Principal Secretary to School Education,
Secretariat, St. Fort George,
Chennai.
4. Thenmozhi

... Respondents



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Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for records relating to impugned Provisional Selection List Vide dated 31.05.2017 published by the 1st respondent for the post of B.T.Assistant (Tamil) and quash the same in respect of 4th respondent namely Thenmozhi. N (13TE29208444) alone and consequently direct the 1st respondent to award 1 (one) Mar for Question No. 122 (A-Type) (Paper-II) as the petitioner had written correct answer Option A (Bengali) by strictly following Judgment dated 25.07.2017 passed by the Honourable High Court, Madras in W.P.No. 32316 of 2013 and issue appointment order in favour of the petitioner for the post of B.T. Assistant (Tamil) and accommodate him at suitable place with all monetary and nonmonetary benefits with all monetary benefits with effect from the date on which when others were given appointment and accommodated into the service.

For Petitioner	: Mr.Prakash Adiapadam
For R1 & R2	: Mr.C.Kathiravan, Senior Counsel for Teachers' Recruitment Board
For R3	: Mr.K.H.Ravikumar, Government Advocate



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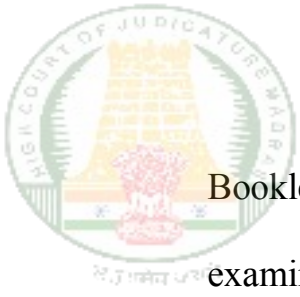
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ORDER

The brief facts that are relevant for disposal of this writ petition are as under:-

The respondent Board issued a notification in Advertisement No.3/2013 dated 22.05.2013, inviting applications for direct recruitment to the posts of 'Graduate Assistants' in various subjects for the year 2013. In response to the said Advertisement, the petitioner herein participated in the said recruitment process and appeared for Teachers' Eligibility Test (TET), Paper-II Examination that was held on 18.08.2013. Thereafter, the respondent Board published the tentative key answers for all the subjects on the Board's website on 05.11.2013 and thereafter, on considering the objections raised therein, published the final key answers and thereafter, the OMR answer sheets were evaluated on the basis of the final key answers. In terms of the same, the petitioner had secured 93 marks and thereafter, he was called for certificate verification and accordingly, the petitioner participated in the process of certificate verification on 27.01.2014. While so, some of the candidates filed writ petitions vide W.P.No.32316 of 2013 etc., before this Court, questioning the final key answers in respect of Question No.122 in the 'A-Series Question



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Booklet in the TET Paper-II' in question and this Court, after having examined the matter in depth, came to the conclusion that the answer provided in the final key answers announced by the respondent Board is incorrect and accordingly, directed awarding of one mark to the petitioners therein and to consider their cases for further selection process by an order dated 25.03.2017 in W.P.No.32316 of 2013 and also in W.P (MD) No.19032 of 2013. Accordingly, the petitioners therein were awarded one mark for Question No.122 and accordingly, a provisional selection list of 'Graduate Teachers/ BT Assistant (Tamil)' was published on 31.05.2017. It was at that stage, the petitioner claims to have submitted a representation before the respondent Board requesting for awarding of one such mark for Question No.122 on the ground that the petitioner has also answered the said question as 'Bengali', which was found to be the correct answer by this Court. Having failed to get any response from the respondent Board, the petitioner approached this Court by filing the present Writ Petition, contending that, had the petitioner been awarded that additional one mark for Question No.122, he would have got 94 marks out of 150 marks in the TET Paper-II Examination and thereby, he would have secured a total weightage marks of 67.92 marks and whereas, the Respondent No.4 herein secured lesser marks than the



petitioner and as such, the petitioner would have got selected in the place of the Respondent No.4.

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2. The claim of the petitioner was resisted by the respondent Board mainly on the ground of delay and laches by placing reliance on a decision of a learned Division Bench of this Court in W.A.No.1754 of 2019 dated 11.06.2019 and in W.P.No.33043 of 2022 dated 12.04.2024 as well as in W.A.No.167 of 2020 dated 03.02.2020.

3. Heard Mr.Prakash Adiapadam learned counsel for the petitioner, Mr.C.Kathiravan, learned Senior Counsel for respondents 1 and 2 and Mr.K.H.Ravikumar, learned Government Advocate appearing for the Respondent No.3.

4. It is not in dispute that the petitioner appeared for the TET Paper-II Examination conducted on 18.08.2013. The results of which were declared in the month of November, 2013 and the petitioner secured 93 marks out of 150 marks. Though, the respondent Board afforded an opportunity of raising



objections against the tentative key answers, admittedly, the petitioner has not raised any objection of whatsoever nature. It is only by virtue of orders passed by this Court at the instance of some of the candidates, who appeared for the said examination, the answer provided in the final key answers in respect of Question No.122 in the 'A-Series TET Paper-II Examination' was found to be incorrect and the correct answer was found to be 'Bengali'.

5. All the petitioners therein have approached this Court immediately after the publication of the final key answers and publication of results of the TET Paper-II Examination. The said writ petitions came to be disposed of by this Court in the year 2017 and accordingly, the further selection process has taken place. It is only at that stage, i.e., almost after a period of 4 years, the petitioner approached this Court contending that the petitioner should have been awarded one mark for Question No.122 on the ground that he has correctly answered the said question as 'Bengali'. If that be the case, the petitioner ought to have raised an objection against the tentative key answers that was published by the respondent Board at the relevant point of time or atleast ought to have approached this Court immediately after publication of the results i.e., in the month of November, 2013. But, the petitioner has



accepted the result and the marks awarded to him in the said examination as 93 marks. But, it is only after the orders passed by this Court and in terms of the revised list prepared by the respondent Board, the petitioner, having come to know about the orders passed by this Court, started making a claim for awarding of a mark for the said Question No.122.

6. The reliance placed by the learned counsel for the petitioner on a decision of a learned Single Judge of this Court in the case of ***“A.Eswaramoorthy -vs- The Secretary to Government Home (Police IV) Department , Chennai”*** reported in **(2010) 1 MLJ 664** has no application to the facts of case on hand. That is a case where this Court has considered the scope of interference of this Court in the matter of interfering with the final key answers provided by the examining body and examining the correctness of such key answers etc., But, the aspect as to whether the relief that was granted to the persons, who approached this Court well within time and are diligent, can also be extended to the persons, who are not diligent and approached this Court belatedly, has not fallen for consideration. Hence, the said decision has no application to the case on hand. When a person, by name Mr.K.Kaliyamurthy, who appeared in response to the very same recruitment



process undertaken by the respondent Board during the year 2013 approached this Court by filing W.P.No.24011 of 2018, a learned Single Judge of this Court declined to entertain the same on the ground of delay and latches and the appeal filed against the said order of the learned Single Judge in W.A.No.1754 of 2019 was also dismissed by this Court by passing the following order:-

“The appellant appeared for the Teacher Eligibility Test conducted by the Teachers Recruitment Board in the year 2013. However, he was not successful. The appellant, long after the completion of the entire examination and the publication of results, filed a writ petition in W.P.No.24011 of 2018. The writ petition was dismissed on the ground of delay and latches. Aggrieved by the same, the appellant has come forward with this intra court appeal.

2. The learned counsel for the appellant submitted that a writ petition was filed by another unsuccessful candidate immediately after the declaration of results. The said writ petition was disposed of only in the year 2018. The appellant, immediately thereafter, filed the present writ petition.

3. There is absolutely no merit in the contention taken by the appellant. The fact that a writ petition filed by another candidate was pending, cannot be a reason for the appellant to wait indefinitely and claim the relief later. We are therefore of the view that the learned single judge was perfectly correct in dismissing the writ petition



on the ground of delay and laches.

4. In the upshot, we dismiss the intra court appeal. No costs.”

In the light of the view taken by the learned Division Bench of this Court, as extracted herein above, and also considering the fact that the petitioner herein is also the one who participated in the very same recruitment, which is covered by the order passed by a learned Division Bench, this Court is not inclined to entertain the writ petition on the ground of delay and laches.

7. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs. Connected Miscellaneous Petitions, if any shall stand closed.

18.07.2024

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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EVK Sampath Maligai, 4th Floor, DPI Compound,
College Road, Chennai – 600 006.
2. The Member Secretary, Teachers' Recruitment Board,
EVK Sampath Maligai, 4th Floor, DPI Compound,
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3. The Principal Secretary to School Education,
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MUMMINENI SUDHEER KUMAR, J.

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