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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2024

CORAM:

THE HON'BLE MR.JUSTICE BATTU DEVANAND

W.P.No.18426 of 2017

E.Kamarajan ...Petitioner

vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
School Education Department,
Secretariat, Fort. St.George,
Chennai – 600 009.

2.The Director of School Education,
DPI Campus, College Road,
Chennai – 600 006.

3.The Chairman,
Teacher Recruitment Board,
4th Floor, EVK Sampath Maligai,
DPI Campus, College Road,
Chennai – 600 006. ... Respondents

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondents to award marks for the petitioner for the Question No.149 'D' series of Paper II by accepting Option 'B' as correct key answer based on Text Book Materials

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approved by the Government of Tamil Nadu and National Council of Educational Research And Training (NCERT) and thereby delcare the petitioner as pass in Teachers Eligibility Test conducted on 30.04.2017 and pass such other orders.

For Petitioner : Ms.Kavya
for Mr.S.Nedunchezhiyan

For RR1 & 2 : Mrs.C.Sangamithirai
Special Government Pleader

For R3 : Mr.R.Siddharath
Standing Counsel for TRB

ORDER

This Writ Petition has been filed to direct the respondents to award marks for the petitioner for the Question No.149 'D' series of Paper II by accepting Option 'B' as correct key answer based on Text Book Materials approved by the Government of Tamil Nadu and National Council of Educational Research And Training (NCERT) and thereby delcare the petitioner as pass in Teachers Eligibility Test conducted on 30.04.2017.

2. The case of the petitioner is that the petitioner has participated in the Teachers Eligibility Test Examination conducted on 30.04.2017. Thereafter, the results was published wherein the petitioner has scored 81

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marks, whereas, the pass mark was fixed as 82. The grievance of the petitioner is that she was given "D" series question paper and for Question No.149, the correct answer is "D" and she has marked "B". But, in the answer key published by the Teachers Recruitment Board they have noted the correct answer as "D" which is not correct. If they modify the answer as "B" which is the correct one as per the Tamil Nadu Text Book, the petitioner will be awarded one mark and by that her score will be 82 and she will qualified. Hence this petition.

3. During the course of the hearing, today, the learned Standing Counsel appearing for the respondents has placed a copy of the order dated 31.10.2023 in W.P.No.18890 of 2017, contending that the issue involved in the present Writ Petition is already decided by this Court in the said order. The learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents 1 and 2 also endorsed that the order in W.P.No.18890 of 2017 is applicable to the present facts of this case.

4. A careful perusal of the order in W.P.No.18890 of 2017, dated

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31.20.2023, it appears that this Court on consideration of the report of the Expert Committee and the judgment passed by this Court in W.P.No. 34481 of 2018, dated 14.11.2022, wherein, it is held as extracted hereunder:-

> *"2. The petitioner participated in the Teachers Eligibility Test Examination and secured 81 marks. However, the pass mark is 82. In this context, the petitioner raised a doubt regarding the right answer for the question No.148(A-Type) paper II 2017.*
>
> *3. Pursuant to the filing of the writ petition, the learned Additional Advocate General furnished the original copy of the expert committee report which reveals that the expert committee arrive at a conclusion that the right answer for the disputed question would be option "D". Whereas, the petitioner has marked option "B" in her answer sheet as her answer for the said question. Therefore, the petitioner has answered wrongly in respect of the said question and is not entitled for the one mark as per her claim.*
>
> *4. Since the matter was referred to the expert committee for consideration, the expert committee has submitted a report stating that option*

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"D" would be right answer for the disputed question and this petitioner is not entitled for the relief as such sought for.

5. Accordingly, the writ petition stands dismissed. There shall be no order as to costs".

4. Considering the facts and circumstances of the case and the earlier orders passed by this Court in an identical matters, in the considered opinion of this Court, nothing survives for further adjudication in the present Writ Petition and the petitioner is not entitled for the relief sought for.

5. Accordingly, this Writ Petition is dismissed.

6. There shall be no order as to costs.

7. Consequently, connected miscellaneous petition is closed.

30.01.2024

gba
Index : Yes/No
Speaking order : Yes/No

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To

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BATTU DEVANAND, J.

GBA

W.P.No.18426 of 2017

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