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W.P.No. 29235 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2024

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 29235 of 2017

and

W.M.P.Nos.31488 & 31489 of 2017

P.Mahalakshmi

... Petitioner

Vs.

The State of Tamil Nadu
Rep by its Secretary
School Education Department,
Secretariat, Chennai.

2.The Chairman
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
College Road, Chennai – 6.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Declaration to declare the final key answer provided for the question paper in Chemistry CDE-2017, Booklet Series C, pertaining to Question Nos.3, 77, 94, 107, 134 & 144 provided by the 2nd respondent as incorrect and consequently to direct the 2nd respondent to award marks for the above said questions and to declare the petitioner bearing Roll No.17PG09050051 to have passed in written examination and allow her to participate in the certificate verification within the period that may be stipulated by this Court and pass such further or other orders as this Court may deem fit.



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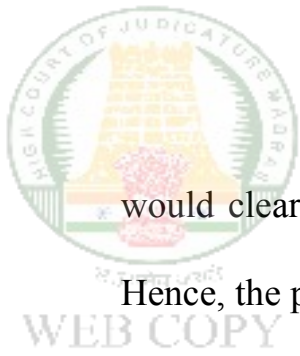
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For Petitioner : Mr.S.Nambi Arooran

For Respondents : Mr.E.Vijay Anand, AGP for R1.
Mr.R.Neelakandan
Assisted by Mr.K.Sathish Kumar,
standing counsel for R2.

ORDER

The case of the petitioner is that she had completed B.SC (Chemistry) during 2004, M.Sc., (Chemistry) during 2009 and B.Ed during 2010 and eligible for the post of P.G. Assistant (Chemistry). The petitioner belongs to Scheduled Caste community. The first respondent decided to fill up 1663 vacancies of Post Graduate Assistants in Tamil Nadu Higher Secondary Educational Service by conducting examination through Teachers Recruitment Board/2nd respondent vide its Notification/Advertisement No.3/2017 dated 09.05.2017 through online mode for the posts of Post Graduate Assistants/Physical Education Directors Grade-I in School education and other departments for the year 2016-2017. The petitioner submitted her application to the 2nd respondent through online and was issued with Hall Ticket for written examination to be held on 02.07.2017, after the examination the 2nd respondent published tentative answer keys on 19.07.2017 and found 6 questions and answers tainted with flaws and not tallying with tentative key answers. Thereafter, the petitioner and the other incumbents submitted their objections before the 2nd respondent along with supporting documents. The 2nd respondent without considering the objections raised by the petitioner and others, published the result



would clearly shows the apathy and indifference on the part of the 2nd respondent.

Hence, the petitioner constrained to file the present writ petition.

2. The learned counsel for the second respondent filed counter, wherein it is averred that notification was released on 30.06.2017 whereby 387 vacancies were notified and after scrutinising the applications written examination was held on 02.07.2017 and the 2nd respondent issued tentative answer keys on 19.07.2017. Based on the expert opinion, final key along with the result was released on 11.08.2017. At this juncture, the 2nd respondent/Board decided to re-evaluate the answer keys as per the order of the High Court Madurai Bench, 6 marks to be provided. Since only 3 questions from the petitioner's Question Booklet "C" series matches with the above stated order, the petitioner is eligible for only 3 marks. It is further submitted that the minimum eligible marks for the subject Chemistry under SC category is fixed at 68marks i.e., SC candidates must obtain 45% in the written examination any candidates to be qualified as "PASS". Whereas, the petitioner secured initially 64 marks in the written examination and after re-evaluation, the petitioner's marks increased to 67 marks (i.e., 64 + 3). However, as per clause 7(ii) of the Notification No.3/2017, dated 09.05.2017, the petitioner must have secured 68 marks. Since, the petitioner herein on not securing the minimum eligible marks i.e, 68 marks and not obtained pass marks, the petitioner was considered as not qualified



and ineligible for selection. Hence, the learned counsel prays for dismissal of the writ petition.

3. Heard the learned counsel for the petitioner and the learned counsel for the respondents and perused the materials available on record.

4. It is an admitted fact that the minimum eligible marks for Chemistry subject under SC category is fixed as 68marks. The petitioner has secured 64marks initially in the written examination and after revaluation 3marks were increased and thereby the petitioner has got 67 marks. But as per Clause 7(ii) of the notification No.3/2017 dated 09.05.2017, the petitioner should have secured 68marks. As such, she did not secured the eligible marks i.e, 68marks and not obtained minimum eligible marks, hence, she was not considered as qualified and thereby she is ineligible for selection.

5. In view of the above, the petitioner could not get the minimum eligible marks, since the petitioner has not reached the said cut off marks her name was not included in the short listed certificate verification and she is not qualified.

6. In view of the above factual position, this Court is not inclined to interfere at this stage and to entertain the writ petition.



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7. Accordingly, this writ petition stands dismissed.

8. Consequently, connected miscellaneous petitions are closed.

9. There shall be no order as to costs.

22.01.2024

Index :Yes/No

Neutral Citation :Yes/No

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To

The State of Tamil Nadu

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Secretariat, Chennai.

2.The Chairman

Teachers Recruitment Board,

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BATTU DEVANAND, J.

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