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W.A.(MD)No.1030 to 1033 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.(MD)Nos.1030 to 1033 of 2024

and

C.M.P.(MD)Nos.7528 to 7531, 7534 to 7536 of 2024

The Teachers Recruitment Board,
Rep.by its Chairman,
DPI Campus, College Road,
Chennai.

: Appellant
in all appeals

Vs.

1.S.Janani

: 1st Respondent

in W.A.(MD)No.1030 / 2024

1.B.Sutha

: 1st Respondent

in W.A.(MD)No.1031 / 2024

1.P.Mathubala

: 1st Respondent

in W.A.(MD)No.1032 / 2024

P.Jayanthi

: Respondent

in W.A.(MD)No.1033 / 2024

2.The State of Tamil Nadu,
Represented by its,
Principal Secretary to Government,
School Education Department,
Fort St.George, Secretariat,
Chennai.

3.The National Council For Teacher Education,
(NCTE), Rep by its Member Secretary,
New Delhi.

: Respondents 2 & 3

in W.A.(MD)Nos.1030 to 1032 / 2024



W.A.(MD)No.1030 to 1033 of 2024

COMMON PRAYER: Writ Appeals filed under Clause 15 of the Letters Patent Act, to set aside the interim stay order dated 05.06.2024 in W.P.(MD)Nos.11711 to 11713 and 11757 of 2024 on the file of this Court.

For Appellant : Mr.Veera Kathiravan
Additional Advocate General
assisted by Mr.V.R.Shanmuganathan
(in all appeals)

For R1 : Mr.D.Nallathambi
(In W.A.(MD)Nos.1030 to 1032 of 2024)

For Respondent : Mr.R.J.Karthick
(In W.A.(MD)No.1033 of 2024)

For R2 : Mr.S.Shaji Bino,
Special Government Pleader
(in all appeals)

For R3 : Mr.R.Gowri Shankar
(in all appeals)

COMMON JUDGMENT

[Judgment of the Court was delivered by **R.SURESH KUMAR, J.**]

These intra-Court appeals have been directed against the interim order passed in W.P.(MD)Nos.11711 to 11713 and 11757 of 2024, dated 05.06.2024.

2.The appellant / Teacher Recruitment Board had undergone a selection process for selection of Graduate Teachers / Block Resource



Teacher Educators (BRTE)-2023, for which, notification was issued in Notification No.3/2-23, dated 25.10.2023. Pursuant to which, candidates had applied and had written the examination, which was in objective type.

3.Ultimately, the selection process was in the final stage. At that stage, these Writ Petitions have been filed before the Writ Court, where out of 180 questions, 11 questions are said to have got more than one correct answers and 13 questions are considered as privileged questions and marks are awarded for the very attending of the questions.

4.By virtue of these confusions, it was the complaint of the writ petitioners that there will be a complete change of pattern of the examination and selection process. Thereby, many number of bright candidates would loose their marks and thereby, their chance would get affected.

5.Therefore, considering the *prima facie* case, the learned Single Judge, by the said order, which is impugned herein, had granted an interim stay for a period of two weeks and directed to list those Writ Petitions after two weeks in an expectation that counter affidavit would



be filed by the respondent / appellant herein. However, the appellant Board has moved these present appeals as against the said interim order passed by the Writ Court.

6. Arguing the appellant's case, the learned Additional Advocate General would submit that insofar as the wrong questions or the questions, where more than one answers, are considered to be correct, are concerned, marks are awarded invariably to all, those who have attended the questions. Therefore, major issue has been sorted out by the said gesture shown by the appellant Board. Moreover, after long years, selection had been made and for few candidates, who have come before this Court and filed Writ Petitions, the entire selection process need not be stalled by granting an order of interim stay. Instead, workable interim order could have been passed by the Writ Court by reserving one post to each of the writ petitioners vacant. That would serve the purpose and also would render justice in given circumstances. Therefore, the learned Additional Advocate General seeks indulgence of this Court to interfere with the said interim order dated 05.06.2024, which is impugned herein.

7. We have heard the learned counsel appearing for the writ petitioners, who would submit that only based on the *prima facie* case,



the interim order, which is impugned herein, was passed and after two weeks, when the cases came up for hearing before the learned Single Judge on 20.06.2024, no counter affidavit had been filed. Therefore, the learned Single Judge had extended the interim order for further period of two weeks.

8.These factors would go to show that if there had been any counter affidavit or vacate stay petition filed by the appellant, who is the respondent in the Writ Petitions, certainly, the Writ Court would have taken up the matter and decided the issue one way or the other. Non-filing of the counter or vacate stay petition might have caused this position, where the appellant landed.

9.Therefore, this Court feels that instead of interfering with the impugned order, the appellant may be directed to file counter affidavit, within a period of one week before the Writ Court and on filing such counter, we request the Writ Court to take up the Writ Petitions on priority basis and decide the same on merits and in accordance with law as early as possible, subject to other part heard matters.



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10. Accordingly, the appellant is hereby directed to file counter affidavit in the Writ Petitions pending before the Writ Court, within a period of one week and once counter affidavits are filed and pleadings are completed, the Writ Court is requested to give priority in hearing all these Writ Petitions and decide the same at the earliest point of time on merits, the recruitment process since has been stalled.

11. With these observations, these Writ Appeals are disposed of.
No costs. Consequently, connected miscellaneous petitions are closed.

[R.S.K.,J.] & [G.A.M.,J.]
21.06.2024

Neutral Citation : Yes/No
Index : Yes/No
Internet : Yes/No

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Note: Issue Order copy on 25.06.2024.

To

The Principal Secretary to Government,
The State of Tamil Nadu,
School Education Department,
Fort St. George, Secretariat,
Chennai.



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R.SURESH KUMAR, J.
and
G.ARUL MURUGAN, J.

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