



W.P.(MD).No.14491 of 2023

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.14491 of 2023

M.Balakrishnan

... Petitioner

Vs.

1.Teachers Recruitment Board,
Represented by its Chairman,
EVK SampathMaaligai,
DPI Compound, College Road,
Chennai-6.

2.The Expert Committee,
Represented by its Chairman,
DPI Campus, College Road,
Chennai-600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 1st respondent to award marks to the petitioner in respect of Question Nos.4, 21 and 28 for the examination undergone by the petitioner on 16.10.2022 for the TNTET PAPER-I pursuant to notification number 01/2022 dated 07.03.2022 and consequently direct the 1st respondent to declare that the petitioner bearing Roll



W.P.(MD).No.14491 of 2023

No.22TET0104130817 had qualified in said examination and issue TNTET PAPER-I Qualification certificate to the petitioner within a stipulated time fixed by this Court.

For Petitioner : Mr.M.Vivek Kumar

For Respondents : Mr.V.R.Shanmuganathan,
Standing Counsel

ORDER

The present writ petition has been filed seeking direction to the 1st respondent to award marks to the petitioner in respect of Question Nos.4, 21 and 28 for the examination undergone by the petitioner on 16.10.2022 for the TNTET PAPER-I pursuant to notification dated 07.03.2022 and consequently direct the 1st respondent to declare that the petitioner had qualified in said examination and issue TNTET PAPER-I Qualification certificate.

2. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-

(i) The petitioner is a first graduate in his family belonging to MBC community. Having completed D.T.ED in the year 2009, he also completed



W.P.(MD).No.14491 of 2023

M.A., B.ED. Pursuant to the notification of the 1st respondent bearing Notification No. 01/2022 dated 07.03.2022 for TNTET PAPER-I, after fulfilling all the required conditions, the petitioner applied for the TNTET PAPER-I on 26.03.2022. His application was duly accepted and he was allotted with an application number: TET1223734557. Thereafter, the examination date was fixed on 16.10.2022, following which, the petitioner downloaded hall ticket through the 2nd respondent online portal on 7.10.2022 and the examination timing was fixed as 2.00 PM to 5.00 P.M. On 16.10.2022, the petitioner appeared at NYRUTHI Polytechnic College, Coimbatore Examination Centre and attended all the questions in the TNTET PAPER-I 2022 examination. Subsequently, Tentative key answers were released on 28.10.2023. On the very same day, TRB TNTET PAPER-I 2022 released instructions regarding the Tentative key answers and further it is instructed that the competitors could raise objections against disputed questions and answers in the "objection" option shown in the TRB online portal questions.

(ii) Based on the above said instructions, on 30.10.2022, the petitioner uploaded objections against tentative key answers with regard to question



W.P.(MD).No.14491 of 2023

numbers 4, 21, 28, 96, 119 in TNTET PAPER I exam with adequate proof of supporting documents in the TRB portal. But unfortunately only two objections, with regard to question number 96 and 119 were registered in the TNTET PAPER-I 2022 online portal. But, the objections regarding three questions namely 4, 21 and 28 was not registered. Hence, the petitioner made a telephone call to the TRB help desk toll free number on the very same day where it was informed by a person attending the help desk number that all his objections will be duly registered, however due to some technical glitch some of his objections may not be available in the online platform and further informed the petitioner to wait till the publication of final key. Based on the said instructions, the petitioner waited till the publication of final key, believing that his objections regarding all the five questions namely 4, 21, 28, 96, 119 were duly registered and he would have obtained marks for the same. While so, when the final key for TNTET PAPER-I 2022 was published on 07.12.2022, it was informed that based on his objections only two marks were provided for the question number 96 and 119 out of five questions. After realizing that his answer regarding question numbers 4, 21 and 28 were not considered by the 1st respondent. The petitioner again made a phone call on 07.12.2022 to the 1st



W.P.(MD).No.14491 of 2023

respondent help desk regarding the non-consideration of his answer with regard to the question numbers 4, 21 and 28.

(iii) On that day, he was further informed by the help desk person that during his course of raising objections on 30.10.2022 only two objections against question numbers 96 and 119 were registered, and further he was informed that based on those objections, he was also provided marks for the registered objections. Further he was explained to raise an objection regarding the left over questions to the said 1st respondent through official mail id trbtetgrievance2022@gmail.com. Based on the said advice on 16.12.2022, the petitioner had sent a mail by uploading objections with regard to question numbers 4, 21 and 28 along with supporting documents. While so, the 1st respondent issued the TNTET PAPER-I mark list on 23.12.2022. In the result it was shown that the petitioner scored 80 marks out of 150. The cut-off mark for M.B.C category was 82. Since his objections with regard to the above said three questions 4, 21 and 28 was not considered by the 2nd respondent his exam result status for his Roll No.22TET0104130817 in TNTET PAPER-I was published as not-qualified. Since his objections regarding question number 4,



W.P.(MD).No.14491 of 2023

21, 28 was not considered by the 1st respondent, the final key answers were published by neglecting the objections of the above said questions. Further till date, the petitioner's objection with regard to the said questions submitted through mail along with supporting documents is not considered by the 2nd respondent. Hence, this Writ Petition came to be filed.

3. The learned Counsel appearing for the petitioner submitted that had his objections raised through the trbtetgrievance2022@gmail.com had been duly considered, he would have automatically come within the zone of consideration, since the same was not considered and since his request to consider the objection to question Nos. 4, 21 and 28 was negated by the 1st respondent, the petitioner's chances of having selected has been defeated. In view of the same, he pressed to direct the 1st respondent to award marks to the petitioner in respect of question Nos. 4, 21 and 28 for the examination attended by the petitioner on 16.10.2022 for the TNTET PAPER-I, pursuant to the notification of the 1st respondent and pressed for allowing the writ petition.



W.P.(MD).No.14491 of 2023

WEB COPY

4. Per contra, the 1st respondent has filed a counter affidavit and the learned Standing Counsel for the 1st respondent submitted that the petitioner had appeared for the examination on 16.10.2022 in the afternoon session from 2.00 P.M. To 5.00 P.M and he had secured 80 marks. On 28.10.2022, the Board had released the tentative key answers for Paper I with the master question paper. The candidates may submit their objections or representations regarding the published key. Candidates should submit their objections or representations only through online in the given format (available in the TRB Website) within the stipulated time i.e., from 28.10.2022 to 31.10.2022 till 05:30 pm. Further, the instructions regarding the submission of objections were released by the Board on 28.10.2022 in its official website. The aforesaid instructions, directed the candidates to submit their objections or representations regarding the key against master question paper only (i.e., Question Number and options). For any objections, candidates should give proof from standard Text Books only. Guides/Notes will not be entertained by TRB. The representation in any other form including e-mail, courier, India-post or applications in person will not be entertained. It was also instructed that the representations without proper evidence will not be entertained and they will be summarily rejected. For each



W.P.(MD).No.14491 of 2023

objection separate OTP will be generated. He further submitted that a total number of 3696 objections were filed out of which 147 objections was for the Paper-I conducted on 16.10.2023 AN session. In that, candidates who submitted the proof from standard Text Books alone were considered. The representation in any other form including e-mail, courier, India-post or application in person, and the representations without proper evidence were not considered and were summarily rejected. The objections or representations regarding the published key were received by the Board from the candidates from 28.10.2022 to 31.10.2022 till 05:30 pm. Only online Objections submitted by the 65 Candidates were taken for scrutiny from 08.11.2022 to 17.11.2022 by 74 Subject Experts deputed from various Government Educational Institutions.

5. After thorough scrutiny, the revised and final answer key has been arrived by the Experts. The opinion of the Subject Experts is final and further representations on the key will not be generally entertained by TRB. The petitioner has challenged the questions with serial numbers 96 and 119 in the objection tracker and the question Nos.4, 21 and 28 in the Affidavit. The expert



W.P.(MD).No.14491 of 2023

committee has already scrutinized the questions objected by the petitioner in the objection tracker and had awarded two marks for the respective objections for question Nos. 96 and 119. As far as question Nos.4, 21 and 28, the same were not uploaded by the petitioner in the objection tracker and the same has been raised for the first time by the writ petitioner in his affidavit alone. He further categorically submitted that the writ petitioner has filed this writ petition with malafide intention to get qualified defying the examination process which has attained finality. He further submitted that the claim of the petitioner is neither sustainable in law nor in fact. The Board has published the final key along with the result on 07.12.2022 and it is clearly mentioned that after thorough scrutiny the revised and final answer key has been arrived by the experts. The subject experts opinion is final and any further representation on key including the objection raised by the petitioner for question Nos.4, 21 and 28 in this writ petition will not be entertained by the TRB and pressed for dismissal of the writ petition.



W.P.(MD).No.14491 of 2023

WEB COPY

6. Heard, the learned Counsel appearing for the petitioner and the learned Standing Counsel appearing for the respondents. Carefully perused the materials available on record.

7. The learned Counsel appearing for the petitioner relying upon the order passed by this Court in W.P.(MD)No.22789 of 2022 dated 27.06.2023 wherein this Court directed TRB to revisit the issue of an answer to which the objection was raised by the petitioner therein, sought for interference of this Court directing the TRB to consider the objection raised by the petitioner for the question Nos. 4, 21 and 28 in this case as well. The case of the petitioner in the instant lis is better than the case of the petitioner in W.P.(MD)No.22789 of 2022 discussed supra. The case of the petitioner in that writ petition is that the petition mentioned key answers published by the board were palpably wrong and that if the answers have been correctly evaluated, he would have been selected.

8. But in the instant case, the petitioner had uploaded objection through the objection tracker of the TRB portal for five questions, however due to



W.P.(MD).No.14491 of 2023

technical glitch only two objections were uploaded. The petitioner having waited till the publication of the final key believing that his objections regarding all the five questions namely 4, 21, 28, 96 and 119, would have been registered and he would have been awarded with marks for the same, when the final key for TNTET PAPER-I 2022 was published on 07.12.2022 to his disappointment his objections only to question Nos. 96 and 119 out of the five questions had been taken into consideration thereby awarding two marks to him. On the guidance provided to him by the help desk of the 1st respondent on 07.12.2022, the petitioner had sent a mail on 16.12.2022 to the official mail id of the 1st respondent in trbtetgrievance2022@gmail.com raising his objections with regard to question Nos.4, 21 and 28 along with supporting documents. The plight of the petitioner is that his objections which he had further sent through mail was negated / not at all considered by the 1st respondent.

9. Though the learned Standing Counsel for the 1st respondent vehemently contended that a specific instruction in this regard was released by the board on 28.10.2022 in its official website, directing the candidates that any representation in any other form including email, courier, India-Post or



W.P.(MD).No.14491 of 2023

application in person would not be entertained and that apart representations uploaded without proper evidence would also be not entertained. He further contended that only in terms of the said instructions dated 28.10.2022, the petitioner's email dated 16.12.2022 was not at all considered. However, a careful perusal of the records would reveal that neither the notification dated 07.03.2022 nor the instruction dated 28.10.2022 had incorporated the clause as to the case of any technical glitch in the process of uploading their objections, through TRB objection tracker.

10. In the instant case, though the petitioner uploaded all the five objections pertaining to the final keys for five questions namely 4, 21, 28, 96 and 119 only objections to the question Nos. 96 and 119 were duly uploaded. However, due to technical glitch, the petitioner miserably was not able to upload the objections with respect to the question Nos.4, 21 and 28 and he came understand the same only after the publication of the final keys on 21.12.2022. Hence, only on the guidance of the help desk of the 1st respondent, the petitioner subsequently had sent a mail to the 1st respondent explaining the



W.P.(MD).No.14491 of 2023

technical glitch in the objection tracker and thereafter, uploaded the objections to the question Nos. 4, 21 and 28 with all supporting documents, via mail.

11. Though the learned Standing Counsel appearing for the 1st respondent submitted that any objection with regard to the tentative key should be raised in the objection tracker portal through online mode only within the prescribed time mentioned in the website, the petitioner did not register objections for the said three question Nos.4, 21 and 28 in the tracker and now is belately claiming marks by filing this Writ petition on 15.06.2023 after the completion of the entire recruitment by way of publication of marks in the website on 07.12.2022 and submitted strongly that the writ petition is hit by laches and delay. When a pertinent question was raised to the learned Standing Counsel as to whether the objections submitted by 65 candidates which were taken for scrutiny from 08.11.2022 to 17.11.2022 by 74 Subject Experts deputed from various Government Educational Institutions had considered the final answer keys for the questions with serial Nos. 4, 21 and 28, the learned Standing Counsel on written instructions from the 1st respondent dated 12.02.2024 submitted that none of the candidates have made objections for question Nos.4, 21 and 28 in



W.P.(MD).No.14491 of 2023

the objection tracker portal. Hence, no expert opinion was obtained from the experts for the aforesaid questions.

12. Interestingly, from the said submissions of the learned Standing Counsel, it has come to light that the subject experts deputed by the 1st respondent had no occasion to consider the correctness of the answer keys for question Nos.4, 21 and 28 by all means. The case of the petitioner is that he was not able to upload the objections for the final keys for question Nos.4, 21 and 28 only due to the technical glitch in the objection tracker of the 1st respondent website. That apart, immediately on the guidance of the help desk of the 1st respondent, the petitioner had duly uploaded the details of his objection for question numbers 4, 21 and 28 in the appropriate e-mail id of the 1st respondent along with the supportive documents as early as on 16.12.2022 itself. Hence, the question of laches and delay as contended by the learned Standing Counsel would not arise.

13. Considering the peculiar nature of the case which could be distinguished from all the other cases where the candidates dispute the final key



W.P.(MD).No.14491 of 2023

answers as ratified by the subject experts of the 1st respondent. In the instant case, the objections for the question Nos.4, 21 and 28 were not at all considered by the subject experts constituted by the 1st respondent. In that case, it is necessary for this Court to interfere and issue certain directions to the 1st respondent since this case is not a case seeking to revisit an already settled issue. In view of the same, the petitioner is directed to submit a representation enclosing the materials now placed before this Court to the 1st respondent. The Teacher Recruitment Board will look into the issue and take a call within a period of eight (8) weeks from the date of receipt of a copy of this order.

14. I make it clear that the benefit of this order will apply only to the writ petitioner and not others. Based on the decision of the TRB, the writ petitioner's right will abide. I make it clear that the decision of TRB, pursuant to the direction of this Court shall be treated as final and it would not be open to fresh challenge.



W.P.(MD).No.14491 of 2023

WEB COPY

15. Accordingly, this Writ Petition stands disposed of. No costs.

04.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

1. Teachers Recruitment Board,
Represented by its Chairman,
EVK SampathMaaligai,
DPI Compound, College Road,
Chennai-6.

2. The Expert Committee,
Represented by its Chairman,
DPI Campus, College Road,
Chennai-600 006.



WEB COPY



W.P.(MD).No.14491 of 2023

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.14491 of 2023

04.03.2024