



W.P.(MD).No.17713 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.17713 of 2018

K.Ramesh

... Petitioner

Vs.

- 1.The Secretary to Government
of Tamil Nadu,
Department of Higher Education,
Fort St. George, Chennai.
- 2.The Registrar,
Mother Theresa Women University,
Kodaikanal-624 101,
Dindigul District.
- 3.The Member Secretary,
Nodal SET Agency for Tamil Nadu,
Mother Theresa Women University,
Kodaikanal-624 101, Dindigul District.
- 4.The Secretary,
State Eligibility Test (TET-2016),
Mother Theresa Women University,
Kodaikanal-624 101,
Dindigul District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order passed by the 3rd respondent vide



W.P.(MD).No.17713 of 2018

her proceedings Nil, dated 28.06.2017 and quash the same as illegal and consequently directing the respondents 2 to 4 to award a mark in Question No.44, Paper-II of Written Competitive Examination for Tamil Nadu State Eligibility Test (TNSET 2016) on the basis of the Key Answer issued by the respondents 2 to 4.

For Petitioner : Mr.P.Palaniyappan
For R-1 : Mr.T.Amjad Khan,
Government Advocate
For R-2 to R-4 : Mr.N.Shanmugaselvan,
Standing counsel

ORDER

The prayer in the writ petition reads as follows:

“This writ petition has been filed to call for the records pertaining to the Impugned Order passed by the 3rd respondent vide her proceedings Nil, dated 28.06.2017 and quash the same as illegal and consequently directing the respondents 2 to 4 to award a mark in Question No.44, Paper-II of Written Competitive Examination for Tamil Nadu State Eligibility Test (TNSET 2016) on the basis of the Key Answer issued by the respondents 2 to 4.”

2. Heard, Mr.P.Palaniappan, learned counsel appearing for the petitioner, Mr.T.Amjad Khan, learned Government Advocate appearing for



W.P.(MD).No.17713 of 2018

R-1, Mr.N.Shanmugaselvam, learned standing counsel appearing for the respondents 2 to 4 and carefully perused the materials available on record.

3. The petitioner had taken part in the Tamil Nadu State Eligibility Test (TNSET 2016) for the post of Assistant Professor conducted for the academic year 2016 and attended the written examination on 21.02.2016, in which he scored 196 marks. Disputing the answer to the question No.44 in Paper-II of Written Competitive Examination, if duly corrected with appropriate answer would have fetched him two more marks, he made an application on 15.11.2016 to the 4th respondent university to consider his representation and award appropriate marks to the question No.44 in Paper-II of Written Competitive Examination for TNSET 2016. However, the same was considered and the impugned order came to be passed on 26.06.2017 making it clear that only those TNSET-2016 candidates who applied within one month period of time by enclosing Rs.5,000/- (Rupees Five Thousand only) with supporting materials could be considered for reconsideration by the grievance and expert committee. Under that score for non-payment of Rs.5,000/- (Rupees Five Thousand only) the petitioner's representation was rejected.



W.P.(MD).No.17713 of 2018

WEB COPY

4. Clause 24 of the notification for Tamil Nadu State Eligibility Test for Assistant Professor is extracted as follows:

“24.Further, the candidates, having any grievances with regard to answer key (s) even after declaration of result of TNSET-2016, may send a written request to the Member Secretary, TNSET 2016, Mother Teresa Women's University, Kodaikanal-624 101 supporting his / her stand with standard books / literature along with a Demand Draft of Rs.5,000/- in favour of Secretary, Mother Teresa Women's University payable at Kodaikanal within one month from the date of declaration of result on TNSET-2016 examination. The envelope should be marked Grievance Regarding Answer Key(s) of TNSET-2016. The request(s) so received will be placed before the Expert Committee(s) for re-examination of the answer key(s).”

The aforesaid clause 24 was with respect to consideration of the representation from candidates with respect to grievance with regard to answer keys. However, the plight of the petitioner is that he was not at all awarded marks in question No.44 in Paper-II of Written Competitive Examination for TNSET 2016. In view of the same, the impugned order is hereby set aside and the matter is remanded back to the respondents 2 to 4 to consider the case of the petitioner and place the same before the grievance and expert committee and pass appropriate orders in accordance



W.P.(MD).No.17713 of 2018

with law whether the petitioner's case is fit for award of mark for question No.44 in Paper-II of Written Competitive Examination for TNSET 2016.

5. In view of the above, this Writ Petition is disposed of. No costs.

11.11.2024

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

To

- 1.The Secretary to Government
of Tamil Nadu,
Department of Higher Education,
Fort St. George, Chennai.
- 2.The Registrar,
Mother Theresa Women University,
Kodaikanal-624 101,
Dindigul District.
- 3.The Member Secretary,
Nodal SET Agency for Tamil Nadu,
Mother Theresa Women University,
Kodaikanal-624 101, Dindigul District.
- 4.The Secretary,
State Eligibility Test (TET-2016),
Mother Theresa Women University,
Kodaikanal-624 101,
Dindigul District.



WEB COPY



W.P.(MD).No.17713 of 2018

L.VICTORIA GOWRI, J.

Sml

W.P.(MD).No.17713 of 2018

11.11.2024