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W.A.No.1590 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR
AND
THE HONOURABLE MR. JUSTICE C. SARAVANAN

W.A.No.1590 of 2022
and
C.M.P.Nos.10562 & 10563 of 2022

John William Kennadi J.

... Appellant

Vs.

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

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

3.Teachers Recruitment Board,
Represented by its Member Secretary,
DPI Campus, Chennai – 600 006.

4.S.Sumathi

5.Ilamkathir

.. Respondents



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Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 11.08.2021 in W.P.No.693 of 2020 on the file of this Court.

For Appellant	:	M/s.R.Rebecca for M/s.Gautam S.Raman
For R1 and R2	:	Mr.J.C.Durairaj Additional Government Pleader
For R3	:	Mr.R.Neelakandan Additional Advocate General assisted by Mr.K.Sathish Kumar Standing Counsel
For R4 and R5	:	No appearance

J U D G M E N T

(Judgment was delivered by **S.S. SUNDAR, J.**)

This Writ Appeal is directed against the common order passed by the learned Single Judge in a batch of writ petitions on 11.08.2021, particularly challenging the dismissal of writ petition in W.P.No.693 of 2020.

2.The appellants herein, along with several others, filed writ petitions



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to quash the final selection list for Certificate Verification, dated 28.11.2019, for direct recruitment to the post of Computer Instructors Grade-I (Post Graduate Cadre), following the notification dated 01.03.2019 as Online Based Examination on the file of the 3rd respondent, as illegal, and for issuance of further direction to the 3rd respondent to conduct re-examination for all the candidates who appeared in the examination conducted by the 3rd respondent on 23.06.2019. The said writ petition was dismissed with directions. Aggrieved by the same, the petitioner in W.P.No.693 of 2020 has preferred the above Appeal.

3.A notification was issued on 01.03.2019 by the 3rd respondent inviting eligible candidates to apply on or before 10.04.2019 for the post of Computer Instructors Grade - I (Post Graduate Cadre) in School Education Department. The appellant also applied for the said post and was permitted to write the written examination. On 23.06.2019, examination was conducted in various Centres across Tamil Nadu through online. A few representations have been received by the 3rd respondent to cancel the examination for Computer Instructors Grade-I (Post Graduate) conducted



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on 23.06.2019 citing some irregularities and raising allegations of mass

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4. Thereafter, the appellant filed a writ petition in W.P.No.693 of 2020 before this Court for declaring the results of the said examination as illegal and arbitrary. Since several other writ petitions were also filed alleging irregularities, the Teachers Recruitment Board also conducted an enquiry. Meanwhile, on the basis of the information received in relation to some of the Centres, Teachers Recruitment Board itself had rescheduled the examination and decided to go for conducting re-examination in three Centres wherein some technical problems relating to working of Server were reported. Accordingly, re-examination was also conducted on 27.06.2019. At this stage, when the writ petitions were taken up for hearing, a One Man Committee was appointed presided over by Hon'ble Justice N.Authinathan, Judge (Retd.) by order dated 17.12.2020 in W.P.No.35198 of 2019, to conduct thorough enquiry into the allegations and grievance of candidates. In the same order, liberty was given to the aggrieved candidates to appear before the Committee and express their



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grievances.

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5. Thereafter, this order was subject matter of appeal before the Division Bench in W.A.Nos.330 and 398 of 2021. When the Writ Appeals were taken up for hearing, even though the learned Single Judge earlier had confined the scope of enquiry to three Centres, the Division Bench directed the Committee to extend such enquiry in respect of all the examination Centres. Further, the Division Bench modified the One Man Committee into a Two Member Committee by permitting the Hon'ble Retired Judge in the One Man Committee to induct a Police Official, not below the rank of Deputy Inspector General of Police without any political leanings, as a part of the Committee. The operative portion of the order of the Division Bench reads as follows :

“The matter pertains to the conduct of an examination for recruitment of teachers undertaken in 2019. The grievance of the appellant against the interim order of December 17, 2020 is that the inquiry as directed by the said order has been confined to three examination centres, though the petitioners had complained of widespread malpractice in course of the conduct of the examination.



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2. It has been fairly submitted on behalf of the State and the respondent authorities that they are not averse to a more broadbased inquiry being conducted so that there is no misgiving at any level.

3. For such purpose, the learned retired Judge, as appointed by the order dated December 17, 2020, is requested to induct a retired police official not below Deputy Inspector General of Police rank and without any political leanings so that the Committee now comprises two members. The Committee will undertake a broad based study of the manner in which the examination was conducted at the various centres. It will be open to the Committee to see the CCTV footage. In the event the CCTV footage is not available at some of the centres, the Committee must seek an explanation therefor. It will also be open to the Committee to speak to the examinees at the centres or the examinees at the centres for which no CCTV footage is available so that all apprehension expressed by the writ petitioners may be allayed.

4. The Committee should conclude the exercise within a period of six weeks from the date of the constitution thereof



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and ensure that the report is filed before the appropriate Single Bench by April 30, 2021.

5. Nothing more need be said of the matter at this stage since the inquiry report will be taken into consideration before the matter is finally dealt with.

6. The remuneration of the members of the Committee will be decided by the learned Single Bench at the time of final consideration of the matter. The incidental expenses of the members of the Committee for the purpose of conducting the inquiry must be borne by the respondent authorities.

7. The appointments already given to the successful candidates will abide by the result of the proceedings and the final order that may be made on the writ petitions by the learned Single Bench.

8. In course of the conduct of the inquiry, it will be open to the Committee to invite the petitioners to point out any glaring errors, if the Committee so feels. It is needless to say that the parties may request the learned Single Bench to adjourn the final hearing till after the report is obtained.



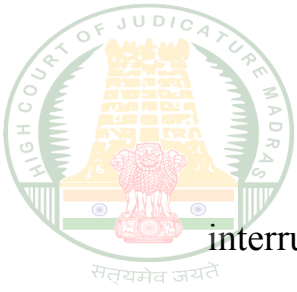
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9. Nothing further survives of the appeals. W.A.Nos.330 and 398 of 2021 are disposed of. Consequently, C.M.P.Nos.1345, 1778, 1589 and 1591 of 2021 are closed. The observations herein are for the limited purpose of passing an order herein and they will be without prejudice to the rights and contentions of both sets of parties. There will be no order as to costs.”

6.A Paper Publication was made by the State Government informing appointment of Two Member Committee instead of One Man Committee to conduct broad based enquiry as to the alleged irregularities in the examination conducted in various Centres across the State. Thereafter, in compliance of the directions of the Division Bench, the Two Member Committee enquired into the allegations and gave its report dated 31.05.2021 that is also extracted in Para No.7 of the impugned order.

7.The complaint of the appellant is that in certain Centres, there were issues of unstable network connectivity, or no connectivity and frequent

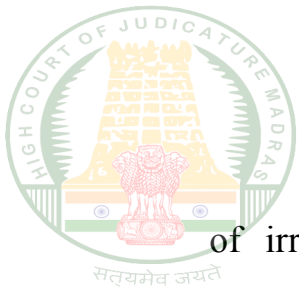


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interruptions. The further grievance of the appellant is that successful candidates indulged in the process of consultation and copying among themselves. According to the appellant, some of the successful candidates used mobile phones, books and browsed internet for searching answers and there was no CCTVs installed at some Centres to record the activities of the candidates during the examination.

8.Learned counsel for the appellant would submit that despite the above, the Writ Court has dismissed the writ petitions filed by the appellant and others, and that the appellant is entitled to an order reversing the decision of Writ Court.

9.It is relevant to mention that the report of the Two Member Committee after expanding the scope of enquiry covers every deficiency or irregularity raised by the unsuccessful candidates. The deficiencies alleged are only in respect of three Centres. Admittedly, the appellant before this Court in this Appeal is not a person who had taken the examination in any of the Centres. The Committee has elaborately considered every allegation



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of irregularities or deficiencies and came to the conclusion that the examination was conducted in substantial compliance of the procedure and there is no truth in any of the allegations. The learned Judge has gone through the report of Committee and found that the findings of Committee is unassailable. The counsel for the appellant is unable to demonstrate how the findings of the Committee is wrong while dealing with allegations of irregularities. Unless there is visible error or omission, this Court cannot ignore the findings of Committee.

10.It is also brought to the notice of this Court that a Division Bench of this Court, by judgment dated 06.06.2024, in ***W.A.No.1328 of 2022 [K.Kalaiselvan v. Teachers Recruitment Board and others]*** arising out of the same order of the learned Single Judge dated 11.08.2021 in W.P.No.2549 of 2020, while confirming the order of the learned Single Judge impugned herein, gave a finding that there is no substance in the contention of the appellant therein. The Division Bench recorded few factual findings apart from finding that the appellant had not challenged the notification or the provisional list. The Division Bench has also observed



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that the Committee appointed by this Court had categorically given findings after thorough enquiry and was satisfied with the explanation offered by the Centres. Having regard to these specific findings, the Division Bench has finally dismissed the Writ Appeal in W.A.No.1328 of 2022, accepting the findings of the Two Member Committee.

11.Having regard to the findings of the Division Bench earlier, this Court finds no reason to take a different view. This Court also noticed that the whole selection process was completed and appointments were made in December, 2020. The crux of the submissions made by the learned counsel for the appellant before this Court in this Appeal is that the findings rendered by the Two Member Committee, is not in accordance with law. The appellant has put forth few facts which were not even raised before the Committee. Therefore, this Court is unable to accept the contention that the report of the Committee is not in accordance with law. The Division Bench has only expected the Committee to undertake a broad based study of the manner in which the examination was conducted in various Centres. While a direction was given to examine the CCTV Footage, it is stated in the order



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appointing Committee that, in event of non-availability of CCTV in some of the Centres, the Committee should seek an explanation. It is only because of the apprehension expressed by the writ petitioners, a direction was issued to examine the CCTV Footages. Since the Committee has now undertaken the exercise and has given its findings, this Court finds no force in the arguments of the learned counsel for the appellant. This Court finds no special reason to doubt the wisdom of the Two Member Committee who has spent enormous time in carrying out the exercise.

12. Therefore, this Court finds no merit in the Appeal. Accordingly, this Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.S.S.R., J.) (C.S.N., J.)
06.03.2025

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Internet : Yes
Index : Yes
Neutral Citation : Yes



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To

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State of Tamil Nadu,
Department of School Education,
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S.S. SUNDAR, J.
and
C. SARAIVANAN, J.

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