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W.A.No.2204 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.02.2025

CORAM :

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

W.A.No.2204 of 2023
and C.M.P.No.19083 of 2023

The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K. Sampath Maaligai,
DPI Compound, College Road,
Chennai-6.

.. Appellant

Vs

1.R.Srividhya

2.The Government of Tamil Nadu,
rep. by its Secretary,
Education Department,
Fort St. George,
Chennai-600 009.

3.The Director of School Education,
DPI Compound,
College Road,
Chennai-600 006.

.. Respondents



W.A.No.2204 of 2023

Prayer: Appeal under Clause 15 of the Letters Patent against the order dated 25.4.2022 passed by the learned Single Judge in W.P.No.35235 of 2012.

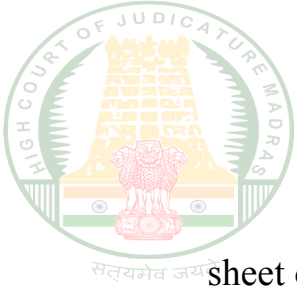
For Appellant : Mr.R.Neelakandan
Addl. Advocate General
assisted by
Mr.K.Sathishkumar

For Respondents : Mr.K.Raja
for respondent No.1

: Mr.U.M.Ravichandran
Spl. Government Pleader
for respondent Nos.2 and 3

JUDGMENT
(Delivered by S.S.Sundar, J.)

This appeal is directed against the order of the learned Single Judge dated 25.04.2022 in W.P.No.35235 of 2012 filed by the first respondent for issuance of a writ of mandamus directing the appellant to award marks for question Nos.50, 55, 44, 137, 99, 33, 34, 35, 41, 42, 46, 53, 54, 57, 58, 60, 101, 104, 105, 132, 134, 114, 5, 11, 25 and 33 by re-evaluating the answer



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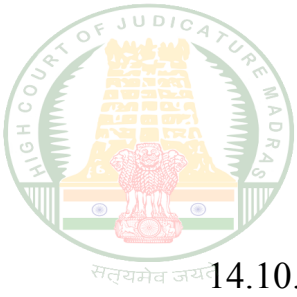
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sheet of the first respondent (Roll No.12TE25651950) for the re-test held on 14.10.2012 so as to issue Teacher Eligibility Test Certificate to the first respondent and to forthwith appoint the first respondent as B.T. Assistant Teacher (Maths) in Tiruvannamalai District.

2.1. Brief facts that are necessary for disposal of the above writ appeal are as follows:

The appellant Board issued a notification calling for application from the eligible candidates for Teachers Eligibility Test-2012 for the post of Secondary Grade and Graduate Teachers. The Board conducted Teachers Eligibility Test on 12.07.2012. As per the direction of the Government, the Board conducted supplementary examination also on 14.10.2012 for those who have not secured 60% and above marks in the earlier examination.

2.2. The first respondent was one among the candidates who applied for appearing in the Teachers Eligibility Test Paper-II. The first respondent had, in fact, appeared for the supplementary examination held on



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14.10.2012. However, the first respondent could not pass the Teachers Eligibility Test, as she secured only 87 marks out of 150. After completion of the supplementary examination, the Board published key answers on the website of the Teacher Recruitment Board on 26.10.2012.

2.3. The appellant Board gave one week time to the candidates to submit their objection to the key answers published by the appellant. However, it is admitted that several representations were received from the candidates and the appellant Board had constituted a Scrutiny Board to look into the disputed key answers. On the basis of the report from the Scrutiny Board, the key answers were revised for certain questions and the valuation was, accordingly, completed. However, the first respondent raised an objection by stating that some of the questions were framed out of syllabus and, therefore, the first respondent should be awarded marks for those questions. Since the representation of the first respondent was not considered, the first respondent filed the writ petition, as stated above.



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3. The learned Single Judge, after referring to the submissions of either side, found that the only issue that could be answered is whether question nos.33, 34, 35, 41, 42, 44, 46, 50, 53, 54, 55, 57, 58, 60, 99, 101, 104, 105, 114, 132, 134 and 137 were out of syllabus. In the light of the concession given by the learned Senior Counsel appearing for the appellant that an Expert Committee should be constituted to find out whether those questions were out of syllabus, the learned Single Judge issued the following directions:

“(a) The petitioner is directed to submit her representation within a period of four weeks from the date of receipt of a copy of this order along with the supporting documents to the respondents.

(b) The respondents within a period of 6 weeks from the date of receipt of a copy of the representation, shall place the same before the expert committee.



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(c) The expert committee shall within a period of 8 weeks thereafter, submit its report on the said issue.

(d) If on the basis of the report by the expert committee, the petitioner is entitled to any benefits, the same shall be extended to the petitioner. In case, the petitioner is aggrieved by the expert committee report, it is open to the petitioner to redress the grievance in the manner known to law.”

4. Admittedly, it is not the case of the appellant that the appellant has earlier referred the subject questions before the Expert Committee to verify whether those questions were out of syllabus. Even though the Expert Committee constituted earlier has gone into some of the queries raised with regard to correctness of certain key answers, it is admitted before this Court that no Expert Committee was constituted to determine whether the questions raised by the first respondent were out of syllabus. Therefore, in



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all fairness, the matter was conceded before the learned Single Judge by the appellant. In such circumstances, this Court is unable to find any error or irregularity in the order of the learned Single Judge directing to constitute the Expert Committee and place the representation of the first respondent before the Expert Committee. On the admitted facts, this Court cannot interfere with the order merely because the Expert Committee was earlier constituted to consider the objections raised by few candidates with regard to the correctness of key answers in respect of some other questions.

5. One of the submissions of the learned Additional Advocate General by referring to the counter is that the records were destroyed. This submission cannot be countenanced having conceded for the order that was passed. After taking note of the admitted facts, this Court is unable to accept the case of the appellant that the records were destroyed. Since the appellant is only directed to forward the question paper and the representation of writ petitioner to the Expert Committee and to get a report, the same can be done without any difficulty.



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6. Writ appeal is dismissed. There shall be no order as to costs.

Consequently, C.M.P.No.19083 of 2023 is closed.

(S.S.SUNDAR, J.)

(C.SARAVANAN, J.)

13.02.2025

Index : Yes/No
NC : Yes/No
bbr

To:

1.The Secretary,
Government of Tamil Nadu,
Education Department,
Fort St. George, Chennai-600 009.

2.The Director of School Education,
DPI Compound,
College Road, Chennai-600 006.



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S.S.SUNDAR, J.
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