



W.P.Nos.33870 & 33876 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2025

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.33870 & 33876 of 2019 and
W.M.P.Nos.34396, 34397, 34401 & 34405 of 2019

1.Mr.S.Sivakumar

... Petitioner in W.P.No.33870 of 2019

2.Mrs.A.Mumtaj

... Petitioner in W.P.No.33876 of 2019

Vs.

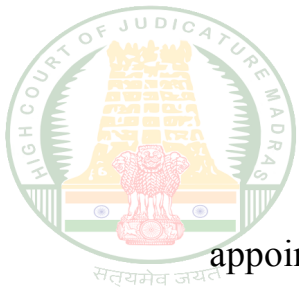
1.The Secretary to Government,
Education Department,
Fort St.George, Chennai -9.

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

3.The Chairman,
Teachers Recruitment Board,
4th Floor, E.V.K.Sampath Maaligai,
DPI Compound, College Road,
Chennai 600 006.

... Respondents in both W.Ps

Prayer in both W.Ps: Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to award full marks with reference to the above mentioned questions and to conduct certificate verification, select, publish and



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appoint the petitioners to the post of Computer Instructors Grade - I (Post Graduate Cadre) in School Education Department for the year 2018-2019 on merits.

For Petitioners : Mr.G.Ilamurugu

For Respondents : Mrs.P.Rajarajeswari, GA for R1 & R2
Mr.K.Sathish Kumar for R3

COMMON ORDER

These Writ Petitions have been filed to direct the third respondent to award full marks with reference to the above mentioned questions and to conduct certificate verification, select, publish and appoint the petitioners to the post of Computer Instructors Grade - I (Post Graduate Cadre) in School Education Department for the year 2018-2019 on merits.

2. Heard Mr.G.Ilamurugu, learned counsel for the petitioners, Mrs.P.Rajarajeswari, learned Government Advocate for R1 & R2 and Mr.K.Sathish Kumar, learned Standing Counsel for R3 in both Writ Petitions and perused the materials available on record.



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3. The petitioners applied to the post of Post Graduate Computer Instructor Grade-I in pursuant to the notification of the third respondent /TRB issued through Notification No.09 of 2019 dated 01.03.2019. The terms of the Notification also included communal reservation and reservation for Tamil medium students as per G.O.Ms. No. 65, Personnel and Administrative Reforms (K) Department dated 27.05.2009, G.O.Ms.No.145, Personnel and Reforms (S) Department dated 30.09.2010 and Government Letter No. 20635/K2/2009-3 dated 27.05.2009 and 20% of the seats to the Persons Studied through Tamil Medium (PSTM).

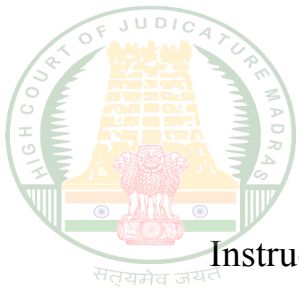
4. The petitioners participated in the on-line written competitive Examination on 23.06.2019. As there was a confusion on the allegation that malpractices were done in some of the centres, exams were re-scheduled only in respect of those centres. But the respondents have scheduled the re-examination only in respect of certain candidates alone with the same questions by adding some new questions. Apart from that,



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there were some seven questions framed from out of syllabus. Even the key answers published for the above seven questions would show that the wrong answers have been given for five questions. In such case, by adopting the process of normalization, marks should be awarded to those questions to all the candidates.

5. The petitioners had obtained 64.77 and 73.80 marks respectively. As the petitioners belonged to ST and BCM categories, their cut off marks for ST and BCM are 67.5 and 75 marks respectively. It is submitted that the respondents gave marks for wrong answers in respect of other candidates, but such benefit was not given to the petitioners; if extra marks are given to the petitioners in view of the above stated reasons, they would also come under the zone of consideration. Hence, the petitioners have filed these Writ Petitions for seeking appropriate direction to the third respondent to award full marks with reference to the specific mentioned questions in these writ petitions and to conduct certificate verification, select and publish the list including the petitioners as selectees and appoint them to the post of Computer



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Instructors Grade-I (Post Graduate Cadre) in School Education
Department for the year 2018-19.

6. The learned Standing Counsel for the third respondent submitted that after having received objections from various candidates till 03.08.2019, a Committee of Subject Experts have been appointed to examine the representations and the objections made on the basis of the authoritative texts and thereafter, final key answers were published. He further submitted that the petitioners did not raise any objection at the examination centre itself. The tentative key answers were published for the convenience of the candidates. They have also given time to file their objections. The objections were received on or before 03.08.2019 and after subjected to verification, final key answers were published on 25.11.2019. Further, the Expert Committee itself is constituted only in compliance of the direction issued by this Court in W.P.No.32343 of 2019 dated 19.11.2019.

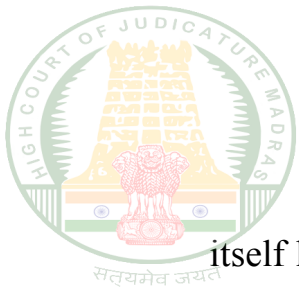


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7. It appears that the petitioners had submitted the objections by sending a letter through RPAD. As per the recruitment regulations, the examination is conducted online and the results also be published through online mechanism. The tentative key answers have been published on 29.07.2019 and thereafter, three days time was granted for the candidates to raise their objections through online mode. The petitioners failed to make use of the opportunity and had chosen to send their objections through RPAD on 02.08.2019. As the objection of the petitioners did not reach the respondents in time, the respondents have considered other objections received from other candidates, however, by appointing the Expert Committee. When the regulations stipulated that the objections to the answer key should be submitted through online, the petitioners ought to have adopted the said mode only.

8. After the Expert Committee has re-assessed the answers, had given its opinion. Thereafter, the final key answers have also been published and the process had attained finality. The Expert Committee



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itself has been constituted only in compliance of the directions issued by this Court in W.P.No.32343 of 2019 dated 19.11.2019.

9. Subsequent to publishing of the final key answer, extra marks were given as per the recommendation of the Expert Committee and thereafter only, the candidates were called for certificate verification. But, it appears that no marks have been given to the petitioners as the Expert Committee had not recommended anything in the line of objections raised by the petitioners. As the petitioners did not reach the zone of consideration, they did not get into the next stage of selection process. The recruitment itself has come to an end in the year 2021 itself and now nothing survives for further consideration in these Writ Petitions.

10. In view of the above stated reasons, these Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
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R.N.MANJULA, J.

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To

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Education Department,
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