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W.A.Nos.583 of 2022

&

W.A.Nos.1080 & 1082 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2026

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

and

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.583 2022

& C.M.P.No.4140 of 2022

and

W.A.Nos.1080 & 1082 of 2020

& C.M.P.Nos.13183 & 13228 of 2020

W.A.No.583 of 2022

The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVR Sampath Salai,
DPI Compound, College Road,
Chennai – 600 006.

...Appellant

Vs.

1. M.Shibikumaran,
S/o R.Muthuramalingam
2. The State of Tamil INadu,
rep. by its Secretary to Government,
Education Department,
Fort St.George,
Chennai – 600 009.

3. A.Alexander,
(R3 – impleaded vide order of
Court dated 18.8.15 in M.P.4/2015)

... Respondents



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the final order dated 29.10.2020 made in W.P.No.11070 of 2015 of this Court .

For Appellant	: Mr.R.Neelakandan, Additional Advocate General for Mr.C.Kathiravan, Spl.G.P. for TRB
For Respondents	: Mr.G.Sankaran, Senior Counsel for Mr.S.Nedunchizhiyan for R1 Dr.S.Suriya, Addl.Govt.Pleader for R2 Mr.S.Kamadevan for R3

W.A.No.1080 of 2020

A.Alexander
S/o Anthony

...Appellant

Vs.

1. M.Shibikumaran,
S/o R.Muthuramalingam
2. The State of Tamil Nadu,
rep. by its Secretary to Government,
Education Department,
Fort St.George,
Chennai – 600 009.
3. The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVR Sampath Buildings,
DPI Compound, College Road,
Chennai – 600 006.

... Respondents



W.A.Nos.583 of 2022
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Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the final order dated 29.10.2020 made in W.P.No.11070 of 2015 of this Court .

For Appellant	: Mr.S.Kamadevan
For Respondents	: Mr.G.Sankaran, Senior Counsel for Mr.S.Nedunchizhiyan for R1 Dr.S.Suriya, Addl.Govt.Pleader for R2 Mr.R.Neelakandan, Addl.Advocate General assisted by Mr.C.Kathiravan Spl.Govt.Pleader for TRB for R3

W.A.No.1082 of 2020

M.Shibikumaran
S/o R.Muthuramalingam

...Appellant

Vs.

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

2. The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVR Sampath Maaligai,
DPI Compound, College Road,
Chennai – 600 006.

3. A.Alexander,
S/o S.Antony

... Respondents



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Prayer: Writ Appeal filed under Clause 15 of Letters Patent against the final order dated 29.10.2020 made in W.P.No.11070 of 2015 of this Court .

For Appellant : Mr.G.Sankaran,
Senior Counsel
for Mr.S.Nedunchizhiyan

For Respondents : Dr.S.Suriya,
Addl.Govt.Pleader for R1
Mr.R.Neelakandan,
Addl.Advocate General
assisted by Mr.C.Kathiravan
Spl.Govt.Pleader for TRB for R2
Mr.S.Kamadevan for R3

COMMON JUDGMENT

S.M.SUBRAMANIAM,J.

Under assail is the writ order dated 29.10.2020 passed in W.P.No.11070 of 2015. Three intra-Court appeals have been instituted by the writ petitioner, Teachers Recruitment Board and the 3rd respondent in the writ petition. All the parties to the writ petition have preferred appeal under Clause 15 of Letters Patent on the ground that the concluding paragraph of the judgment, if implemented would unsettled the process of selection already completed long before.



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2. Recruitment notification was issued on 28.05.2013 inviting applications from eligible candidates for appointment to the post of Assistant Professor in Government Arts and Science College for the year 2012. The post shall be filled up on the basis of weightage marks awarded for

- (a) Teaching experience
- (b) Higher Education Qualification in the subject
and
- (c) Marks awarded in the Interview duly following
communal reservation in force.

3. As per the notification, special categories such as physically challenged, visually impaired and hearing impaired shall be provided with reservation of 1% each as per the Government Orders.

4. The appellant in W.A.No.1082/2020 Mr.M.Shibikumaran was one among the candidates participated in the process of selection for the post of Assistant Professor in History under physically challenged category. He



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belongs to Backward Community. He was called for certificate verification and awarded 5 marks for the same. The Teachers Recruitment Board shortlisted candidates at the rate of 1:5 basis on the weightage mark secured, followed by the communal reservation. The name of Mr.M.Shibikumaran was not found in the provisional selection list called for interview since marks secured by him did not reach selection zone for interview. Mr.M.Shibikumaran filed W.P.No.30757/2014 seeking a direction for inclusion of his name in the provisional list of candidates in the oral interview. Pursuant to the directions issued by the High Court, he was called for interview on 28.11.2024. The selection committee awarded 6 marks. Thus, Mr.M.Shibikumaran secured 11 marks (5+6). While the selection list was drawn, marks scored by Mr.M.Shibikumaran did not reach the selection zone and he was not selected.

5. As far as Mr.Alexander, appellant in W.A.No.1080/2020 is concerned, he was provisionally selected under the category of Backward Class (General) Tamil Medium (PSTM). He secured 12 marks, which is the cut off marks for selection in the Backward Class, Tamil Medium



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candidates. His selection was based on preferential basis. He was also called for the interview on 25.03.2015. Admittedly, the provisional selection list was published on 31.03.2015.

6. Learned Senior Counsel Mr.G.Sankaran appearing on behalf of Mr.M.Shibikumaran in W.A.No.1080/2020 would mainly contend that the interview was conducted separately for Mr.Alexander and suspicious circumstances and the marks awarded in the oral interview was considered by the Writ Court for allowing the writ petition. Since the Writ Court has directed to redo the exercise of selection in respect of all candidates, the writ petitioner Mr.M.Shibikumaran preferred writ appeal. He would submit that the merit list was published on 02.12.2014 and marks were disclosed. Therefore, there is a possibility of extraneous consideration as far as Mr.Alexander is concerned, since his oral interview was conducted on 25.03.2015.

7. Mr.Kamadevan, the learned counsel appearing for the appellant Mr.Alexander would submit that Mr.Alexander served as PG Assistant for 7/15



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about 4 years in Higher Secondary School and after selection, he resigned the job and joined as Assistant Professor pursuant to the selection made and serving in the post of Assistant Professor for the post about 10 years. Mr.Alexander, secured 12 marks which is the cut off marks for selection for BC Tamil Medium category. Therefore, his selection was on preferential basis. The case of Mr.M.Shibikumaran is that he was considered under the physically challenged category and not under Tamil Medium category. Therefore, the Writ Court has committed an error by issuing a general direction to redo the entire selection process which would unsettle the selection already concluded in the year 2015 and the selected candidates were appointed and serving for the past about 10 years.

8. Mr.Neelakandan, learned Additional Advocate General, would submit that the selection was conducted as per the procedures notified in the recruitment notification. Marks were published and the assessment of the selection committee cannot be questioned by the candidates. Oral marks are awarded by assessing the candidates. Therefore, any suspicion, not supported by documents or incriminating evidence deserves no merit



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consideration and the writ court has committed an error in appreciating the submissions in the absence of any documents or materials available on record. That apart, Mr.Alexander was selected under Tamil Medium category based on the marks scored. It is true that he was originally not called for oral interview. He submitted an application under RTI Act. On verification, it is found that he should have been called for interview and therefore, he was called for an interview and the oral interview was conducted on 25.03.2015. However, as on the date of interview, the provisional selection list was not published and after completing the interview for all the candidates, the mark list was published on 31.03.2015 and the final selection list was published on 08.04.2015. Both the general selection list dated 31.03.2015 and final selection list dated 08.04.2015 were under challenge in the writ proceedings. After selection, the selected candidates were issued with order of appointment and they have joined and serving as Assistant Professors for the past about 10 years. Therefore, the Writ Court ought not to have unsettled the entire selection process on account of the dispute raised by one candidate in respect of his non-selection.

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9. The Court is of the considered view that the scope of interference in the process of selection in exercise of powers of judicial review is limited. Unless the selection is completely tainted, there is no scope for issuing a direction to redo the entire exercise of selection. If the tainted and untainted candidates are able to be segregated, then the Courts can interfere only in respect of the tainted candidates instead of unsettling the entire process of selection.

10. In the context of the above principle, in the present case, the appellant in W.A.No.1082/2020 Mr.M.Shibikumaran, admittedly, scored 11 marks (5+6) and his name was considered under the physically challenged category. As far as physically challenged category is concerned, one Mr.K.Karthikeyan was selected and he belongs to BC category and scored 29 marks. Thus, the selected candidate under the physical challenged category scored 29 marks over and above, the marks scored by the appellant Mr.M.Shibikumaran. As far as the Tamil Medium category is concerned, his case was not considered since Mr.Alexander, appellant in 10/15



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W.A.No.1080 of 2020 scored higher mark than that of the marks scored by Mr.M.Shibikumaran. Mr.Alexander scored 12 marks and Mr.M.Shibikumaran scored 11 mark. Therefore, Mr.M.Shibikumaran was not selected even under the Tamil Medium category.

11. Mr.Alexander was provisionally selected under Backward Class (General) Tamil Medium category since he secured 12 marks which is the cut off mark in the BC Tamil Medium category. His selection was also on preferential basis. The Board would also state that Mr.Alexander's case comes under the category, selection on Tamil Medium preferential basis whereas Mr.M.Shibikumaran's comes under physical challenged category. Since Mr.M.Shibikumaran has not secured eligible cut off mark in both category for which he is eligible to be selected, his name was not included in the final selection list which was published on 08.04.2015.

12. The main ground raised on behalf of Mr.M.Shibikumaran is that the mark was originally published on 02.12.2014. Even the said general merit list of candidates published would show that Mr.M.Shibikumaran has



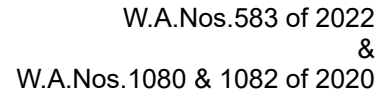
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secured 11 marks. Therefore, there is no alternation of marks subsequently.

The ground raised is that after publication of the above marks, interview was conducted to Mr.Alexander on 25.03.2015 and there is every possibility of considering his case differently, since the marks of other candidates were published. In this regard, this Court is of the view that the wisdom of the selection committee cannot be gone into by the High Court in exercise of powers of judicial review in the absence of any incriminating evidence to establish any malpractise, extraneous consideration or otherwise.

13. The assessment of the expert selection committee is final and cannot be substituted by the Courts in the absence of any materials to establish the extraneous consideration. In the present case, the name of Mr.Alexander was not considered to participate in the oral interview originally and subsequently, based on his request, the Board found that his name was deleted mechanically and permitted him to participate in the oral interview conducted on 25.03.2015. Mere conduct of oral interview on 25.03.2015 alone, this Court arrived at a conclusion that that entire selection is tainted.

12/15



15. In view of the above discussion, this Court is able to arrive at an irresistible conclusion that the writ order cannot be sustained.



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Consequently, the writ order dated 29.10.2020 made in W.P.Nos.11071 of 2015 is set aside and W.A.No.583 of 2022 and W.A.No.1080 of 2020 are allowed and W.A.No.1082 of 2020 is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S.,J.) (C.K.,J.)
08.01.2026

vsi
Index:Yes/No
Speaking/Non-speaking order
Neutral citation

To

1. The Secretary to Government,
Education Department,
Fort St.George,
Chennai – 600 009.
2. The Member Secretary,
Teachers Recruitment Board,
4th Floor, EVR Sampath Salai,
DPI Compound, College Road,
Chennai – 600 006



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**S.M.SUBRAMANIAM,J.
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