

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2015

CORAM:

THE HONOURABLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

W.A.No.1278 of 2015

B.R. Hema Caroline (Minor)
Rep. by her father
A. Belavendra Rayar

... Appellant

vs.

1. Government of Tamil Nadu
Rep. by its Secretary
Department of School Education
Fort St. George
Chennai-600 009.

2. The Director
Directorate of Government Examination
College Road
Chennai-600 006.

... Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 01.07.2015 in W.P.No.18764 of 2015 on the file of this Court.

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to award full mark to the petitioner's daughter for Question No.37 i.e. 10 out of 10 instead of 9 out of 10 in respect of Bio Zoology (Biology) Theory Paper conducted during March 2015 vide Registration No.660963 and consequently direct the respondents to issue fresh mark sheet by awarding 147 marks out of 150 marks in Biology Theory Paper to the petitioner daughter.

For Appellant : Mr.T. Sellapandian

JUDGMENT

(Judgment of the Court was delivered by K.K.SASIDHARAN, J)

This intra court appeal is directed against the order dated 01 July 2015 in W.P.No.18764 of 2015 whereby and whereunder, the learned Single Judge dismissed the writ petition filed for awarding full marks to the minor appellant in respect of question No.37.

2. Heard the learned counsel for the appellant.

3. The daughter of the appellant appeared for the Higher Secondary Examination conducted by the Directorate of Government Examination in March 2015. Since the student was not given correct marks in the subject Bio Zoology, she made an application for supplying the answer sheet. It was found that in respect of question No.37, she was given 9 out of 10 marks. According to the appellant, his daughter is entitled to full marks taking into account the question and the key answer.

4. The writ petition filed by the appellant was dismissed by the learned Single Judge after hearing both parties.

5. The documents available on record shows that the students have to answer the entire facts relating to the artificial pacemaker and natural pacemaker of the heart. The daughter of the appellant appears to have not written the facts relating to natural pacemaker of the heart and the same resulted in awarding her 9 marks out of 10. There is no question of evaluating the answer paper by this Court in a proceeding initiated for judicial review. The jurisdiction of this Court is very limited in a matter of this nature. We are therefore of the view that the learned Single Judge was perfectly correct in dismissing the writ petition.

6. In the upshot, we dismiss the intra court appeal No costs.

Sd/-

Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Tr/

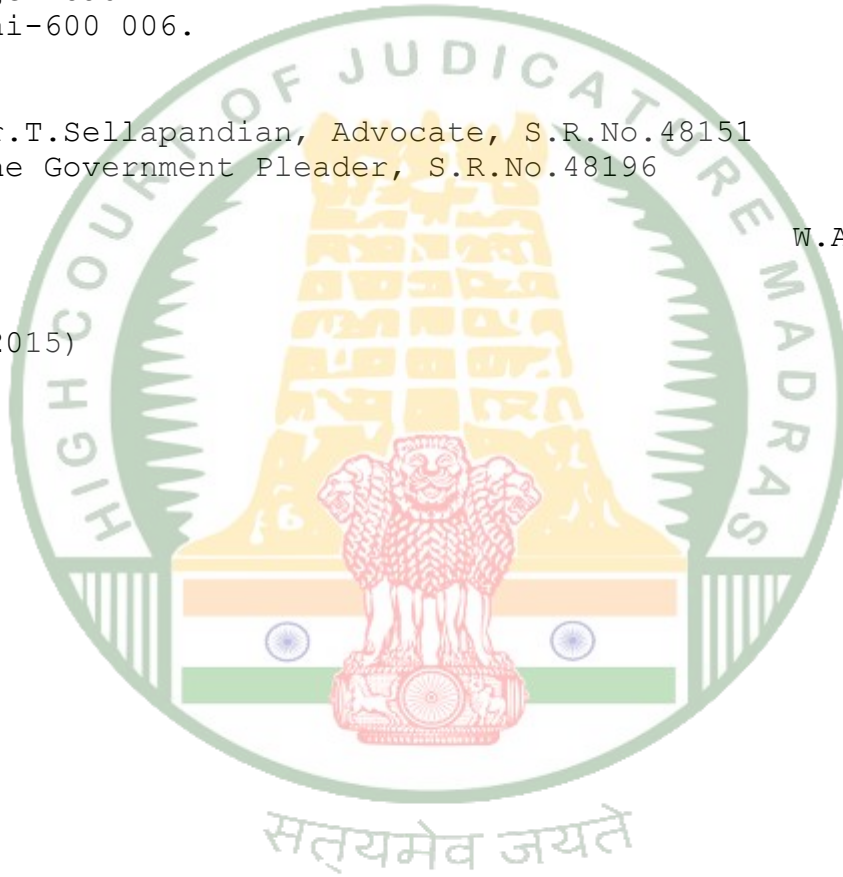
To

1. The Secretary
Government of Tamil Nadu
Department of School Education
Fort St. George
Chennai-600 009.
2. The Director
Directorate of Government Examination
College Road
Chennai-600 006.

+1cc to Mr.T.Sellapandian, Advocate, S.R.No.48151
+1cc to the Government Pleader, S.R.No.48196

W.A.No.1278 of 2015

VD(CO)
CA(25/09/2015)



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