

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-06-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.17559 of 2015

and

M.P.Nos.1 and 2 of 2015

S.Vishudha

...Petitioner

vs

1. The Secretary to Government
Education Department
Fort St. George, Chennai 9
2. The Director of Government Examinations
Chennai 6
3. The Secretary
Selection Committee for MBBS
Kilpauk Medical College Campus
162, EVR Periyar Salai
Kilpauk, Chennai 600 010
4. The Medical Council of India
rep. By its Secretary
Dwaraka Phase
New Delhi

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of the second respondent relating to Revised Mark Sheet/Provisional Certificate of the Higher Secondary Examination, March 2015, bearing Regn.No.719864 dated March, 2015, as published in the official website of the second respondent as 16.6.2015, inasmuch as the theory marks in the subject physics of the petitioner is concerned viz. 146/150 and quashing the same and consequently, restoring the marks originally awarded to the petitioner in the Original Mark Sheet/Provisional Certificate of Higher Secondary Examination, bearing Regn. No.719864, March, 2015, issued by the second respondent on 7.5.2015, wherein the petitioner was awarded 148 marks out of 150 marks in Physics paper (theory) and further directing the third respondent to revise the petitioner's rank in the Tamil Nadu Government Provisional Admission Merit List

for MBBS, 2015-2016 in accordance with the marks secured by her in the original mark sheet issued on 7.5.2015, so as to enable the petitioner to attend the counselling for admission in the first year MBBS course for the academic year 2015-2016.

For Petitioner : Mr.T.Sellapandian

For Respondents : Mrs.P.Rajalakshmi
Government Advocate
for RR1 to 3

Mr.V.P.Raman for R4

ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that she has passed X Standard examination in CBSE Syllabus and secured 10/10 Grade i.e., "A1" Grade and after finishing her XII Standard Examination in Tamil Nadu State Board Syllabus during the academic year 2013-2015, appeared in the Board Examination held during March, 2015, and secured the following marks:-

SUBJECT	MARKS
Tamil	195
English	187
Physics	198
Chemistry	197
Biology	197
Mathematics	199
Total	1173 out of 1200

3.The petitioner would further state that the cut-off mark for admission to MBBS Course secured by her, is 197.25 out of 200 and she belongs to OC Category and her aim is to secure admission and join in the MBBS Course and therefore, she applied for photocopy of the XII Answer Sheets in respect of the academic subjects viz. Maths, Physics, Chemistry and Biology, by paying the prescribed fees and accordingly, answer sheets were furnished by the second respondent on 28.5.2015.

4.According to the petitioner, after perusing the Answer Sheets, she applied for revaluation in respect of Physics paper alone for the reason that for Question No.65, she was awarded 9 out of 10 marks, whereas, she is entitled for full marks i.e., 10/10, for the reason that she has written the correct answer as per the Key

Answer/Text Book; but, she was not awarded 1 mark for the 4th step in respect of Question No.65.

5.The petitioner would further state that she applied for revaluation on 1.6.2015, for the Physics paper alone and the second respondent has published the result of the revaluation on 15.6.2015, wherein, 2 marks were deducted in the Physics paper and she was awarded 196 out of 200 in that subject, and on account of the said reduction, her total marks became 1171 out of 1200, from the original marks of 1173/1200 and consequently, her cut-off mark is reduced by 0.50. The petitioner aggrieved by the said fact, has filed this writ petition praying for quashment of the reduction of mark in the Physics subject and also for restoration of marks originally awarded to her as per the original mark sheet, and for other consequential reliefs.

6.The learned Counsel appearing for the petitioner, has drawn the attention of this Court to the xerox copy of the Answer Script pertaining to Question No.65, and would submit that there is a minor error crept in in the first step, and therefore, the Examiner is not at all justified in not awarding 1 mark and in any event, he ought to have reduced the mark by $\frac{1}{2}$ only. It is the further submission of the learned Counsel appearing for the petitioner, that as per the instructions given to the Examiners, for answers in part II, III and IV like reasoning, explaining, narrating, describing and listing the points, students may write in their own words, but without changing the concepts and without skipping any point, and in the light of the said instructions, instead of not awarding 1 mark to the first step, the Examiner ought to have awarded at least $\frac{1}{2}$ mark and in that event, justice will be rendered to the petitioner and prays for appropriate orders.

7.The matter was listed for admission on 17.6.2015, and Mrs.P.Rajalakshmi, learned Government Advocate, accepted notice on behalf of the respondents 1 to 3, and Mr.V.P.Raman, learned Standing Counsel, accepted notice on behalf of fourth respondent, and at their request, the matter was directed to be listed on 19.6.2015. On that date, at the request of the learned Government Advocate to get better instructions, it was directed to be listed today.

8.The learned Government Advocate, on instructions, would submit that admittedly, the first step in Question No.65, is not in consonance with the Text Book as well as the Key Answer and therefore, the petitioner was not awarded any mark and would further submit that a student is expected to write as it is in the Text Book and since she has not done so, no mark has been awarded. The learned Government Advocate has also drawn the attention of this Court to the inner page No.10 of the Key Answer.

9.It is relevant to extract the answer written by the petitioner, which is at page No.55 of the typed-set and inner page No.34 of the Answer Book, and also the Key Answer at page No.69 of

the typed-set and inner page No.10 of the Key Answer, as under:-
ANSWER BY THE PETITIONER:

"the coil is rotated with a angular velocity ωt ,
then induced e.m.f. in the coil,
 $e = -d\phi/dt = -d/dt (NBA \cos ?)$
 $e = - NBA d/dt (\cos \omega t)$
 $e = NBA \omega \sin \omega t$
The induced e.m.f. is $e = NBA \omega \sin \omega t$.
The maximum e.m.f. is, $E_0 = NBA \omega$."

KEY ANSWER:

"Changing orientation
diagram with graph
Explanation
 $\phi = NBA \cos ?$
 $e = - d\phi/dt$ (OR) $e = NBA \omega \sin \omega t$
 $E_0 = NBA \omega$
 $e = E_0 \sin \omega t$
five positions of the coil (5 x ½)"

10.As per the Key Answer, the correct answer to the above said question is " $e = - d\phi/dt$ (OR) $e = NBA \omega \sin \omega t$ ". However, the petitioner has written the answer as " $e = -d\phi/dt = -d/dt (NBA \cos ?)$ ".

11.It is the submission of the learned Government Advocate appearing for the respondents 1 to 3, that since the answer is like a formula, the students are expected to write the correct answer without any deviation whatsoever, and admittedly, the petitioner has committed a mistake while writing the said answer, and therefore, no mark was awarded to the said step.

12.On the other hand, it is the vehement submission of the learned Counsel appearing for the petitioner, that since there is a minor error that has crept in, the Examiner ought to have awarded at least, ½ mark.

13.However, this Court is not inclined to accept the said submission of the learned Counsel appearing for the petitioner, for the reason that as per the Text Book and Key Answer, the correct answer should be written as stated above. The learned Government Advocate was right in making the submission that since it is a formula, the answers should be written as it is and no deviation should be there. Therefore, the Examiner was correct in not awarding 1 mark to the said step.

14.Insofar as Question No.51 is concerned, the petitioner has written the answer as follows:-

"i) Lines of force originate from the positive terminal and end at the negative terminal."

15.However, as per the Text Book, the answer to the above said question is as under:-

"(i) Lines of force start from positive charge

and terminate at negative charge."

16.It is the submission of the learned Counsel appearing for the petitioner, that "termination" is equivalent to "charge". However, the learned Government Advocate, on instructions, would submit that the terminal is entirely different from charge and since the petitioner has written a wrong answer, 1 mark was reduced at the time of revaluation. A comparison of the answer written by the petitioner with the Text Book would reveal that the answer written by the petitioner, is not in consonance with the version given in the Text Book, and therefore, 1 mark was reduced in revaluation.

17.Similarly, in respect of Question No.68 also, the diagram is not in consonance with the Key Answer as well as the Text Book and therefore, ½ mark was reduced.

18.It is to be pointed out at this juncture, that the revaluation itself is a matter of concession and the said benefit has been granted to the students, taking into consideration the fact that a pass in the Higher Secondary Course, is a step towards higher education. The petitioner knowing the consequence of revaluation, has applied for it and unfortunately, her mark got reduced.

19.The learned Counsel appearing for the petitioner, requires this Court to once again revalue the paper by appointing a teacher from a private institution. In the considered opinion of the Court, it cannot be done so as it amounts to double revaluation.

20.Though this Court sympathizes the petitioner, is not in a position to grant any relief to her in the light of the above facts and circumstances.

21.In the result, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/- सत्यमेव जयते
Assistant Registrar(CS-IV)

//True Copy//

Sub Assistant Registrar

nsv

To

1. The Secretary to Government
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Chennai 6

3. The Secretary
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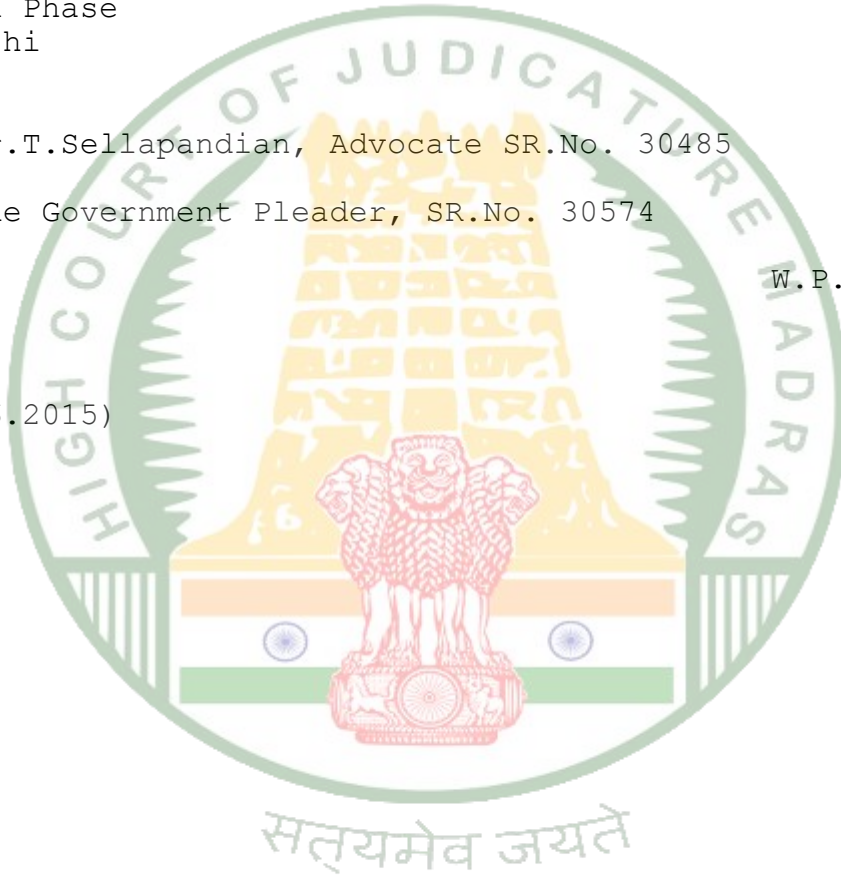
4. The Secretary
Medical Council of India
Dwaraka Phase
New Delhi

1 CC to Mr.T.Sellapandian, Advocate SR.No. 30485

1 CC to the Government Pleader, SR.No. 30574

W.P.No.17559 of 2015

LRS (CO)
PSI (23.06.2015)



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