

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 23.06.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17774 of 2015

and M.P.No.1 of 2015

L.M.Yamini (Minor)
rep. by her father and natural guardian
E.Mohana Kumar ... Petitioner

Versus

- 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-10.
- 4 The Medical Council of India
Rep. by its Secretary Dwaraka Phase
New Delhi. ... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the 2nd respondent to award 1 1/2 mark additionally for Question No.53 in respect of Physics Theory Paper bearing Reg. No.367513 March 2015 consequently to issue fresh Mark Sheet by awarding 146 marks out of 150 marks in Physics Theory Paper and consequently directs the 3rd respondent to revise the petitioner Rank in the Tamil Nadu Government Provisional Admission Merit List for MBBS 2015-16 so as to enable the petitioner to attend the counselling for admission in the First Year MBBS Course for the Academic year 2015-16 on 21.6.2015 instead of 22.6.2015.

For Petitioner : Mr.T.Sellapandian

For Respondents : Mrs.P.Rajalakshmi (for R1 to R3)
Government Advocate
Mr.V.P.Raman (For R4)
Standing Counsel.

O R D E R

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

2. The deponent of the affidavit is the father of the minor petitioner and he would state that his daughter finished her twelfth standard examination in the Tamilnadu State Board Syllabus during the year 2014-15 with Regn. No.367513 and secured the following marks.

Sanskrit	- 198
English	- 194
Physics	- 195
Chemistry	- 197
Biology	- 199
Mathematics	- 196
Total	- 1179 out of 1200

3. The petitioner would further state that as per the above said marks, the cut off marks for admission for MBBS Course, scored by his daughter is 197.50 out of 200. The daughter of the petitioner belongs to Backward Class category and since her aim is to join the MBBS Course, she applied for photocopy of the twelfth standard answer sheets in respect of Academic subjects viz., Maths, Physics, Chemistry and Biology, by paying necessary fees and the Answer sheets were also furnished by the 2nd respondent on 28.05.2015. The daughter of the petitioner after perusing the answer sheets, applied for retotalling in respect of physics and chemistry for the reason that in the physics answer per for Question No.53, she has been awarded 3 ½ out of 5 marks, whereas she is entitled for full marks i.e., 5/5 for the reason that she has written the correct answer as per the key answer / text book answer. The result of the retotalling was announced on 15.06.2015, wherein no change has been carried out and hence, came forward to file this writ petition.

4. The learned counsel appearing for the petitioner has drawn the attention of this Court to answer to Question No.53, written by the daughter of the petitioner and submit that the answer is in consonance with the key answer and the version given in the textbook and since the answer is as per the conditions prescribed in application for retotalling i.e., "unvalued answer / answers valued partially, will be considered for awarding of marks" and therefore, the petitioner is entitled to 1 ½ marks more and prayed for appropriate relief.

5. The learned Government Advocate has drawn the attention of this Court to the key answer to question No.53 and would submit that the key answer is technically a formula and the concerned examinee, has to write the answer as it is and admittedly, there are errors in the answer given by the petitioner and therefore, no marks have been awarded and prayed for dismissal of this writ petition.

6. This Court has carefully considered the rival submissions and also perused the materials placed before it.

7. It is relevant to extract the answer given by the petitioner in respect of the Question No.53

$$\text{Effective Resistance} = \frac{1}{R_p} = \frac{1}{R_1} + \frac{1}{R_2} + \frac{1}{R_3}$$

$$\frac{1}{R_p} = \frac{1}{3} + \frac{1}{5} + \frac{1}{2}$$

$$\frac{1}{R_p} = \frac{10+6+15}{30}$$

$$R_p = \frac{30}{31} = 0.969 \text{ v}$$

Total Current Drawn from Supply

$$I = \frac{V}{R} = \frac{15 \times 31}{30 - 2} = 15.5 \text{ A}$$

As per key answer, it is Marks

$$\frac{1}{R_p} = \frac{1}{R_1} + \frac{1}{R_2} + \frac{1}{R_3} \quad (\text{formula}) \quad 1$$

$$\frac{1}{R_p} = \frac{1}{3} + \frac{1}{5} + \frac{1}{2} \quad (\text{Substitution}) \quad \frac{1}{2}$$

$$R_p = \frac{30}{31} \text{ v} \quad R_p = 0.9677 \text{ v} \quad (\text{answer}) \quad 1$$

$$I_1 = \frac{V}{R_1} = \frac{15}{3} = 5\text{A} \quad \frac{1}{2}$$

$$I_2 = \frac{V}{R_2} = \frac{15}{5} = 3\text{A} \quad \frac{1}{2}$$

$$I_3 = \frac{V}{R_3} = \frac{15}{2} = 7.5\text{A} \quad \frac{1}{2}$$

8. This Court has compared the answer given by the petitioner with the key answer and as contended by the learned Government Advocate, answer given by the petitioner is not correct. As rightly pointed out, the answer is in the type of a formula and the petitioner is expected to write the answer as it is and she cannot deviate from it and therefore, the concerned examiner has not awarded the mark in respect of the wrong answer given by the petitioner.

9. In the light of the reasons assigned above, the writ petition is dismissed. No costs. Consequently, the connected Miscellaneous petition is closed.

Sd/-
Assistant Registrar

True Copy

Sub Assistant Registrar

To

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Rep. by its Secretary Dwaraka Phase
New Delhi.
- +1 cc to Mr.t.Sellapandian, Advocate, SR.31041
+1 cc to Mr.V.P.Raman, Advocate, SR.31083
+1 cc to the Government Pleader, Sr.30879.

Gp(co)
krd 8/7

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