

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 26.06.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.17822 of 2015

and

M.P.No.1 of 2015

Minor Sathyaprabha.G

... Petitioner

Versus

1. Medical Council of India
Rep. by its Secretary New Delhi.
2. The Director of School Studies
DPI Building College Road
Chennai.
3. The Director of Medical Education
No.162 Poonamallee High Road
Chennai.
4. Selection Committee
Directorate of Medical Education No.162
Poonamallee High Road Chennai.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the second respondent to revalue the paper in accordance with the key answers and award for the answers and to issue revised mark sheet.

For Petitioner : Mr.A.Sundaravadhanam

For Respondents : Mr.V.P.Raman (for R1)
Standing Counsel
Mrs.P.Rajalakshmi (for R2 to R4)
Government Advocate.

O R D E R

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

2. The daughter of the petitioner was successful in her Higher Secondary Examinations and secured 1150/1200 marks and in the core subjects, she has secured the following marks.

Physics	- 199/200
Chemistry	- 198/200
Biology	- 185/200

3. The daughter of the petitioner was confident that she would definitely secure more marks in Biology in the event of revaluation and accordingly, applied for revaluation. In the revaluation, the daughter of the petitioner was awarded five more marks. According to the petitioner, she was entitled to get eight more marks and on account of improper revaluation she has not got that marks and therefore, came forward to file this writ petition.

4. Mr.A.Sundaravadhanam, learned counsel appearing for the petitioner has drawn the attention of this Court to the answer given by the petitioner in respect of Question Nos.19, 21, 23, 34 and 37 as well as key answer and the text book version and would submit that the examiners are expected to award marks if the description/answer, leads to the nearest answer and therefore, the petitioner is entitled to more marks in respect of the above said questions.

5. Per contra, learned Government Advocate, on instructions would submit that though, while revaluating the papers, the petitioner was awarded three more marks in respect of Question No.19 and two more marks for partially correct answer in respect of Question No.21, he was not awarded any marks during revaluation in respect of Question Nos.23, 34 and 37 and therefore, the marks were correctly awarded.

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

7. The Court also compared the answers given by the daughter of the petitioner in respect of Question Nos.23,34, and 37 with key answer as well as text book version and is of the view that the answers given by her are not in consonance either with the key answer or with the text book version. The learned counsel appearing for the petitioner is right in making the submission that it may not be possible for a candidate participating in the examination to write the exact answer as per the version of the text book and the contents of the answer shall lead to the nearest answer and it shall convey the true meaning.

8. This Court keeping in mind the said submission made by the learned counsel appearing for the petitioner has carefully scrutinized the answers and is of the view that the answers written by the student did not tally with the key answer as well as the text book version. It is pertinent to point out at this juncture, that revaluation is not a matter of right, unless the Rules provides so. Since, the rules provide for revaluation, the petitioner's answer script in respect of Biology was revalued and she was awarded five more marks in respect of question Nos.19 & 21, respectively. Petitioner, by filing this writ petitioner, requests this Court to once again revalue the answer script relating to the Biology subject and though, Rule does not permit this Court to do so, this Court, taking into consideration the interest and welfare of the student and more particularly the fact that the performance in 12th standard is a stepping stone for further higher education, has carefully scrutinized the materials placed before it and is of the view that the stand taken by the respondents, merits acceptance.

9. In the result, the writ petition is dismissed. However, in the circumstances of the case, there shall be no orders as to costs. The respondents are directed to issue temporary mark list in respect of the additional marks given to Question Nos.19 & 21 of Biology paper, forthwith. Consequently, the connected Miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary,
Medical Council of India, New Delhi.
2. The Director of School Studies
DPI Building, College Road, Chennai.
3. The Director of Medical Education
No.162 Poonamallee High Road, Chennai.
4. Selection Committee
Directorate of Medical Education No.162
Poonamallee High Road Chennai.

+1cc to the Government Pleader, S.R.No.31839

W.P.No.17822 of 2015

SV(CO)
CA(06/07/2015)