

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 03.07.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18545 of 2015

and

M.P.No.1 of 2015

Deepathanisha (Minor)

Rep. by her Natural Guardian and Father
R.Thambiran

... Petitioner

Versus

1. The Secretary to Government
Education Department Secretariat Fort St.
George Chennai-9.
2. The Director of School Education(Higher Secondary)
EVK Sampath Salai
College Road Chennai-6.
3. The Controller of Examinations(Higher Secondary)
EVK Sampath Salai
College Road Chennai-6.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to correctly revalue and re-total the Answer Sheets of the petitioner pertaining to the Subject Bio-Zoology particularly answer for the question in Section D at Serial No.36 for DEMOGRAPHY award full 10 marks and issue retotaled corrected Mark Sheet in the Subject Bio-Zoology to the petitioner forthwith.

For Petitioner : Mr.N.Nithianandam

For Respondents : Mrs.P.Rajalakshmi
Government Advocate.

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 petitioner and he would state that the petitioner has written the Higher Secondary Examination during March 2015 and the results of

the exam were published during May 2015 and she secured the following marks.

Language	- 190/200
English	- 189/200
Physics	- 192/200
Chemistry	- 183/200
Biology	- 176/200
Mathematics	- 170/200

3. The petitioner had performed exceedingly well in Chemistry and Biology papers and was expecting 200/200 marks. However, she was declared to have scored 183 marks in Chemistry and 176 marks in Biology, which were much below the expected marks. Therefore, the petitioner applied for retotalling and revaluation after obtaining the scanned answer papers pertaining to the said subjects. In retotalling and revaluation, the petitioner has secured one mark in Chemistry. But, in Biology it was stated that after retotalling and revaluation, there was no mistake on both accounts and hence, came forward to file this writ petition.

4. Learned counsel appearing for the petitioner has drawn the attention of this Court to Question Nos.24, 27 and 36 as well as the answers given by the petitioner and would submit that the petitioner has written her answer nearest to the key answer as well as to the text book version and therefore, in revaluation, more marks should have been awarded, so as to enable the petitioner to get admission in MBBS Course for the Academic year 2015-16 and prays for appropriate orders.

5. Per contra, Mrs.P.Rajalakshmi, learned Government Advocate, who accepts notice on behalf of the respondents, on instructions from Mrs.V.Ezilarasi, M.Sc., M.Ed., (Zoology), Government Girls Hr. Sec. School, Ashok Nagar, Chennai - 83, who is present before this Court, would submit that in respect of Question No.24, as per the key answer, the answer given by the petitioner is not relevant to the question and therefore, two marks have been reduced. As regards Question No.27, as per the key answer, only one portion of the answer is correct and hence, two marks have been reduced and in so far as Question No.36 is concerned, as per the key answer, 'environmental impacts of population explosion', have been mentioned and so two marks have been awarded and the other portion of the answer being the definition of Demography is not appropriate and so, two marks have been reduced and that the petitioner has also not given sufficient reasons for population explosion as per the key answer and therefore, two marks have been reduced and in aggregate the marks obtained by the petitioner in respect of the Biology subject remains unchanged and therefore, the petitioner has not been awarded any extra marks in Biology paper during revaluation.

6. In response to the said submission, the learned counsel appearing for the petitioner, reiterated his earlier submission that the answer given by the petitioner, more particularly, in respect of Question No.36, is correct and proper and in all fairness, more marks should have been awarded, so as to enable her to fulfill the dream of joining the MBBS Course, for the reason that she also belongs to scheduled caste community.

7. This Court, carefully considered the rival submissions and also perused the materials placed before it.

8. 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 made request for retotalling as well as revaluation. The petitioner was also put on notice that in the revaluation, if the marks are reduced, the same would reflect in the temporary mark list and she is not entitled to original marks. The petitioner having under took that risk has gone to revaluation. This Court in exercise of jurisdiction under Article 226 of the Constitution of India, once again cannot revalue the paper as it is not the expert in that field and it has got limited discretion.

9. It is the specific stand of the learned Government Advocate, appearing for the respondents, on instructions from the expert, who is present before this Court, that taking into consideration the future and welfare of the student, great care has been taken and the Biology paper was revalued and it was found that though the petitioner is entitled to two more marks, in respect of Question No.36, two marks, has been adjusted by reducing one marks each in respect of Question Nos.24 & 27.

10. In the light of the above facts and circumstances, coupled with legal position, this Court is unable to interfere with the decision of the experts. Therefore, the writ petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS II)

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Sub Assistant Registrar

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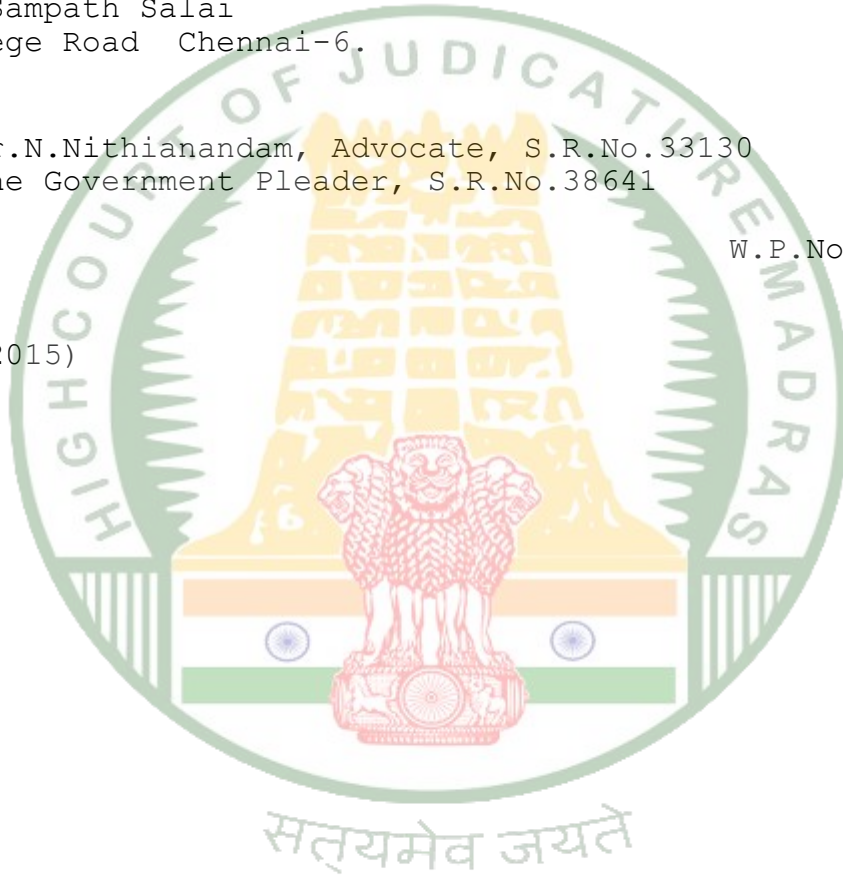
To

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+1cc to Mr.N.Nithianandam, Advocate, S.R.No.33130
+1cc to the Government Pleader, S.R.No.38641

W.P.No.18545 of 2015

MSM(CO)
CA(14/07/2015)



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