

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.18764 of 2015

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

... Petitioner

Vs.

- 1 The Government of Tamil Nadu  
Rep. by its Secretary Department of School  
Education Fort St. George Chennai-9.
- 2 The Director  
Directorate of Government Examination  
College Road Chennai-6. ... Respondents

Prayer:

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 Petitioner : Mr.T.Sellapandian  
For Respondents : Mr.R.Vijayakumar  
Additional Government Pleader

सत्यमेव जयते  
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 according to him, his daughter appeared for the Higher Secondary Examination conducted by the respondent during March, 2015 vide registration no.660963 and she has secured 1163 marks out of 1200. The petitioner having found that she has got 146 marks in Biology theory paper, has applied for answer script and verified the answer given by her in respect of the question no.37, she has been awarded only 9 marks out of 10 marks and she compared her answer with the key answer and found that since, she has not written anything relating to the natural pacemaker of the heart, one mark has been deducted and hence, came forward to file this writ petition praying for awarding

one more mark in respect of the said question.

3.The learned counsel appearing for the petitioner has drawn the attention of this Court to the question no.37 and would submit that it pertains only to artificial pacemaker and therefore, the student has to answer only the facts relating to artificial pacemaker and therefore, the petitioner/ student did not write the answer relating to natural pacemaker of the heart and since the question itself is nebulous she is entitled to get full marks for the answer given by her and prays for appropriate orders.

4.Per contra, Mr.R.Vijayakumar, learned Additional Government Pleader appearing for the respondents has drawn the attention of this Court to the key answer as well as the textbook version and would submit, the artificial pacemaker falls under main heading in Chapter VIII and the natural pacemaker of the heart falls under sub-heading and therefore, a student is expected to answer the facts relating to natural pacemaker of the heart also and since the petitioner herein has not written the answer, she has not been awarded full marks.

5.This Court has carefully considered the rival submissions made by the parties and also perused the materials placed on record. A perusal of the key answer to question no.37 would disclose that the concerned student is expected to answer definition of artificial pacemaker, natural pacemaker of heart and components of artificial pacemaker.

6.As rightly pointed out by the learned Additional Government Pleader, artificial pacemaker falls under the main heading in Chapter VIII and natural pacemaker of the heart and the components of artificial pacemaker falls under the sub-heading. Therefore, the students have to answer the entire facts relating to artificial pacemaker and natural pacemaker of heart. Admittedly, the petitioner/ student did not write the facts relating to natural pacemaker of the heart and therefore, she was not awarded full marks and she was awarded 9 marks as against the 10 marks.

7.This Court having found that no infirmity in the valuation is not inclined to order this writ petition. Therefore, this writ petition is dismissed. No costs.

Sd/-  
Assistant Registrar

True Copy

Sub Assistant Registrar

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To

1 The Secretary  
The Government of Tamil Nadu  
Department of School  
Education Fort St. George Chennai-9.

2 The Director  
Directorate of Government Examination  
College Road Chennai-6.

1 cc to Mr.T.Sellapandian , Advocate Sr.No.32679

1 cc to Government Pleader.Sr.No.32991

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