

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2015

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THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.20844 of 2015

A.P.Harikumar

Rep. by natural Guardian/ Father

K.Palani Kumar

...

Petitioner

Vs.

1 The Chief Educational Officer
Education Department Collectorate Building
Villupuram.

2 The Director of Government
Examinations DPI Campus College Road
Chennai-6. ...

Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to consider the application of the petitioner dated 30.05.2015 at the earliest.

For Petitioner : Mr.S.Madhar Khan
For Respondents : Mrs.P.Rajalakshmi
Government Advocate

O R D E R

The deponent of the affidavit is the father of the petitioner and he would state that the petitioner has passed the Higher Secondary Examination held during March, 2015 and his Register Number is 366047. The results of the examination were published and the petitioner had secured a grand total of 1111 out of 1200. The petitioner has obtained the scanned image of the answer scripts and after re-checking the answer scripts in respect of Biology subject, he noted that the total marks comes to 53 but the evaluation examiner had wrongly given 51. It is also the stand of the petitioner that though he has written correct answers for the questions 2, 26, 31 and 36 correct marks have not been awarded to the answers even though they were correct and tally with the key answer. The petitioner has applied for re-valuation and re-totalling of the marks for Biology subject by paying the prescribed fee of Rs.810/- and since he was given any reply, he has also sent a legal notice dated 19.06.2015 praying for consideration of his request and since he has not been favoured with any kind of response, came forward to file this writ petition.

2.This matter was listed for admission on 10.07.2015 and Mrs.P.Rajalakshmi, learned Government Advocate accepted notice on

behalf of the respondents and sought time to file counter and thereafter, the case was listed on 14.07.2015, 15.07.2015 and 20.07.2015 and today (21.07.2015), the learned Government Advocate on instructions would submit that on re-valuation, the petitioner has been awarded one mark for question number 8, one mark for question number 22 and two marks for question number 36, thereby, the petitioner secured four more marks after the re-valuation. It is the further submission of the learned Government Advocate that the cut off mark prescribed for the Backward Community candidate for admission to MBBS course is 196.5 marks and even if the 4 marks got by the petitioner on re-valuation is added he will get only 185 marks and therefore, he will not get admission to MBBS course.

3. In response, the learned counsel appearing for the petitioner would submit the fact that the petitioner has been awarded four more marks in the re-valuation has been brought to the knowledge only now and in all fairness, the respondents ought to have communicated the same to the petitioner in response to the legal notice and prays for appropriate orders.

4. The fact remains that though the petitioner has got four more marks in re-valuation, he has not secured the required cut off mark in the Backward Community category for getting admission to MBBS course and therefore, this Court is not in a position to grant any relief to the petitioner.

5. Therefore, this writ petition is dismissed. However, the respondents are directed to issue the revised mark list to the petitioner forthwith under acknowledgement. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

सत्यमेव जयते

Sub Asst. Registrar

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To

- 1 The Chief Educational Officer
Education Department Collectorate Building
Villupuram.
- 2 The Director of Government
Examinations DPI Campus College Road
Chennai-6.

+3 ccs to M/s.T.Shyamala Chandrasekar, Advocate, sr.36633.

+1 cc to the Government Pleader, sr.37017

W.P.No.20844 of 2015

kk(co), kra(05/08)