

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.15627 of 2014

and

M.P.No.1 of 2014

Malarvizhi

.. Petitioner

- Vs -

1. The Directorate of Government Examinations,
Higher Secondary, Chennai - 600 006.
 2. The Director of Medical Education,
Kilpauk, Chennai - 600 010.
 3. The Secretary,
Selection Committee,
Kilpauk, Chennai - 600 010.
 4. The Medical Council of India,
Pocket 14, Sector B, Phase-1,
Dwaraka, New Delhi - 110 077.
(R4 impleaded as per Court order dated 30.06.14
in M.P.No.2/2014 in W.P.No.15627/14)
- .. Respondents

Prayer:- Writ Petition has been filed under Article 226 of the Constitution of India for issuance of Writ of Declaration, declaring that the valuation of biology marks for petitioner's son namely S.Sureendhar studied High Secondary Course valued by the Assistant Examiners Code No.4434 and 4484 in the 1st respondent department bearing Registration Number 392791 is incorrect and to award correct mark consequently directing the 2nd and 3rd respondents to give the petitioner's son correct ranking in the rank system for M.B.B.S. and B.D.S. going to selected by the 2nd and 3rd respondents.

For Petitioner : Mr.V.S.Jagadesan

For Respondents 1 to 3 : Mrs.P.Rajalakshmi
Government Advocate

For Respondent 4 : Mr.V.P.Raman

O R D E R

By consent, the writ petition is take up for final

disposal.

2. The deponent of the affidavit is the mother of S.Sureendhar aged about 17 years and according to her, her son has passed the Higher Secondary Education Examination conducted by the first respondent during March 2014 with flying colours and had secured 200/200 in physics, 199/200 in Chemistry, 195/200 in Biology and thereby secured 594 out of 600 in the core subjects. It is further stated by the petitioner that her son belongs to backward community and his cut off mark is 197.25 and his rank for M.B.B.S. in Backward community is 3062. It is the claim of the petitioner that though her son has written the answers pertaining to question Nos.15, 18 and 30 correctly, it has not been properly valued and consequently he has been deprived of marks and had he been awarded marks for that, it would have enabled him to secure admission in any one of the Government Medical Colleges and therefore she came forward to file this writ petition.

3. Mr.V.S.Jagadeesan, learned counsel for the petitioner drawn the attention of this Court to question Nos.15, 18 and 30, answers written by the son of the petitioner, key answers as well as the text book version and would submit that the examiners should value the answer paper taking into consideration whether the concerned student has understood the purport of the question and given answer by applying his mind and the valuation cannot be done on the ground that the concerned student has not verbatimly reproduced answers either in the key answers or in the text book version and hence prays for appropriate orders.

4. Per contra, the learned Government Advocate by referring to the key answers would submit that the answer script of the son of the petitioner has been valued properly and therefore it is not open for him to make any complaint as to the manner of the valuation done by the examiners and prays for dismissal of the writ petition.

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

6. Question No.15 reads as follows:

"What is Binomial Nomenclature"
and he has written the answer as follows:

"The system of naming the plants on scientific basis is known as botanical nomenclature or binomial nomenclature. (e.g.) Mangifera indica is the binomial nomenclature of mango."

This Court has compared the same in the key answer and as per the same

"The first word indicates genus, the

second word indicates species".

According to the learned Government Advocate, the son of the petitioner while answering has not specifically mentioned the 'genus' and 'species' and that is the reason why he has not been awarded with marks.

7. A perusal of the answer given by the petitioner's son, except stating the genus and species, the petitioner's son has generally written the answer and therefore the valuer ought to have awarded one mark and instead, he has been awarded zero for that answer and therefore, this Court is of the view that it is appropriate to award one mark to the son of the petitioner.

8. Question No.18 reads as follows:

"What is meant by Accommodation of eye ?"

and he has written the answer as follows:

"The ability of the eye to focus objects at varying distance is known as accommodation of eye."

The key answer is as follows:

" Accommodation of eye:

(1) Human eye has a lens apparatus whose convexity can be adjusted for focusing near and distance objects.

(2) This ability of the eyes to focus objects at varying distance is called Accommodation"

Admittedly the son of the petitioner has not written the first part of the answer and therefore he has not been awarded full marks.

9. Question No.30 reads as follows:

"Bring out the physiological effects of Cytokinin ?"

and he has written the answer as follows:

"In association with IAA, it is used in the cell division and cell elongation * in induction cell tissue and development of shoot."

It is claimed by the petitioner that her son is entitled for five marks and he has been awarded only four marks and the * portion in the first portion of the order connotes another answer and valuation has been done as if it is a single answer. The attention of this Court was drawn to the textbook which reads as follows:

"In association with IAA, Cytokinin initiates bud and root formation in callus tissue."

It is the case of the petitioner that development is equivalent to bud and root. But the answer given by her son is not in consonance with the text book version and therefore he has not been awarded full marks.

10. This Court in the light of the facts and circumstances is of the view that the son of the petitioner is entitled to one more mark in respect of question No.15 and in respect of other questions, he is not entitled for any additional / extra marks.

11. In the result, the writ petition is partly allowed and the petitioner's son is entitled for one mark in respect of Question No.15 in the Biology subject and the first respondent is directed to issue revised mark list forthwith to the petitioner's son and the respondents 2 and 3 in the light of the same, shall consider the claim of the petitioner's son for admission to M.B.B.S. course for the academic session 2015-2016, subject to relevant norms and regulations and availability of seats. Consequently, the connected miscellaneous petition is closed. No costs.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

To

1. The Directorate of Government Examinations,
Higher Secondary, Chennai - 600 006.
2. The Director of Medical Education,
Kilpauk, Chennai - 600 010.
3. The Secretary,
Selection Committee,
Kilpauk, Chennai - 600 010.
4. The Medical Council of India,
Pocket 14, Sector B, Phase-1,
Dwaraka, New Delhi - 110 077.

+1cc to M/s. V.S.Jagadeesan, Advocaatesr.no.38493

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and M.P.No.1 of 2014

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