

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 26.03.2015

Coram :

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
and
THE HONOURABLE MR.JUSTICE P.R.SHIVAKUMAR

W.P.No.7997 of 2015

and

M.P.No.1 of 2015

S.Sujatha

.. Petitioner

vs.

Tamil Nadu Public Service Commissioner
rep.by its Under Secretary
Frazer Bridge Road
VOC Nagar, Park Town
Chennai 600 003.

.. Respondent

Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondent to provide four valued answer papers viz. (1) Translation paper; (2) Law paper-I; (3) Law paper-II; and (4) Law paper-III to the petitioner in the Registration No.270001020 and the key answer sheet.

For Petitioner : Ms.J.Kavitha

For Respondent : Ms.C.N.G.Niraimathi

ORDER

(Order of the Court was made by V.RAMASUBRAMANIAN, J.)

The petitioner has come up with the above writ petition seeking for a mandamus to direct the respondent Tamil Nadu Public Service Commission (hereinafter called the TNPSC) to provide her the four valued answer papers viz. (1) Translation paper; (2) Law paper-I; (3) Law paper-II; and (4) Law paper-III and also the key answer sheet pertaining to her Registration No. 270001020.

2. The case of the petitioner is that in response to a Notification bearing No.15/2014 issued on 26.08.2014 by the TNPSC, for recruitment to 162 posts of Civil Judges in the Tamil Nadu State Judicial Service, the petitioner submitted her application on-line.

However, when the TNPSC published a list of selected candidates on 20.02.2015, only the Registration number of the petitioner was mentioned and the marks obtained by her was not stated. Hence, the petitioner filed an application under the Right to Information Act on 23.02.2015, seeking copies of the answer sheets in all the four papers along with the key answers in all the four papers. Since the same were not given to her, the petitioner has come up before this Court to direct the respondent to furnish copies of his answer papers along with key answers in all the four papers.

3. Heard Ms.J.Kavitha, learned counsel appearing for the petitioner and Ms.C.N.G.Niraimathi, learned counsel appearing for the respondent.

4. In identical circumstances, this Court in W.P.No.5791 of 2015 and W.P.No.17628 of 2014 has considered the similar issue and disposed of the writ petitions vide order dated 20.03.2015. The relevant portion of the said order reads as follows:

"10. In the case on hand, the petitioner has written the papers as part of the written examination for selection of Civil Judges. It is only those, who are short-listed in the written examination, as per the Procedural Rules of the TNPSC, who are called for interview. To say that the petitioner should wait till the outcome of the viva voce, would be to allow the things to go uncontrolled. Merely because the copies of the answer books are given to the petitioner, he is not going to gain any knowledge of the marks secured by the other candidates. Therefore, the contention that the purity of the process would stand jeopardized cannot be appreciated.

11. Admittedly, the marks secured by all the candidates, who wrote the examination, have not been declared so far. The petitioner himself does not know the marks secured by him. By giving him the copies of the answer book, he will only be furnished with the information relating to the marks secured by him. Since he is not short-listed for interview, he cannot in any way hamper the process of viva voce. He does not know the marks secured by the other candidates. Therefore, we see no justification for the TNPSC to reject the request.

12. Drawing our attention to the instructions issued to candidates by the TNPSC, it is contended by the learned counsel for the respondent that the petitioner does not have a right to seek revaluation.

13. But, we do not know how that contention has any bearing upon the case on hand. The petitioner is not seeking revaluation. Instruction No.24 reads as follows :

"Requests from candidates for furnishing the causes of their failure in the test or for revaluation of their

answer books will not be complied with. However, the Commission reserves to itself the right to get any answer book revalued if in its opinion there are sufficient and valid grounds to do so."

The above instruction has nothing to do with the request of the petitioner to furnish copies of his answer books.

14. Therefore, we are of the considered view that the petitioner is entitled to copies of the answer books and the key answer, notwithstanding the fact that the interview has not commenced so far.

15.

16.

17. In view of the above, the writ petitions are allowed to the following effect :

(i) The petitioner shall be treated as a person eligible to participate in the process of selection;

(ii) The respondent shall furnish copies of answer books and the key answers to the petitioner within a week without anything more; and

(iii) The TNPSC may take note of the above observations for modifying the application form.

No costs. Consequently, the above MPs are closed."

5. Following the same, this writ petition is also disposed of directing the respondent to furnish copies of answer books and the key answers to the petitioner within a week without anything more. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

The Under Secretary
Tamil Nadu Public Service Commissioner
Frazer Bridge Road
VOC Nagar, Park Town
Chennai 600 003

1 cc to M/s.S. Parthasarathy, Advocate, Sr. 17266

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