



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.07.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.13310 of 2015

and

M.P. (MD)No.1 of 2015

M.Subramanian

... Petitioner

-Vs-

1.The Controller of Examination,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai.

2.The Deputy Secretary,
Tamil Nadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order made in Memorandum No.3048/RIDI/DTD-A/2015 dated 09.07.2015 passed by the second respondent and quash the same and consequently, direct the respondents to revalue the papers of Criminal Judicial Test Part-I-IPC (General Principles) and Criminal Judicial Test Part-I-IPC (Detailed Applications) of the petitioner within the time stipulated by this Court.

For Petitioner
For Respondents

: Mr.D.Sadiq Raja
: Mr.K.K.Senthil

ORDER

The relief sought for in the present Writ Petition is to quash the order dated 09.07.2015, rejecting the claim of the writ petitioner for revaluation of his answer sheet in the subject of Criminal Judicial Test Part-I-IPC (General Principles) and Criminal Judicial Test Part-I-IPC (Detailed Applications).

2.The instructions issued to the candidates appearing for departmental examinations by the Tamil Nadu Public Service Commission, are enclosed in Page No.1 of the typed set of papers filed along with the present Writ Petition. Clause 33 of the instructions provided to the candidates reads as under:-



"33.Requests from candidates for furnishing the cause of failure in the test or for revaluation of their answer book 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."

3.The brochure issued to the candidates along with application form states that request for revaluation will not be entertained. It is clearly stated that revaluation of the answer sheet will not be complied with.

4.This being the conditions imposed, which was communicated to the writ petitioner, now, the writ petitioner cannot file Writ Petition for revaluation of the answer sheet. Once the candidates, who participated in the examination, accepted the conditions, they cannot turn around and file Writ Petition for the purpose of revaluing their papers. However, in the event of establishing any mal practice or corrupt activities in the process of valuation of the answer sheet, then alone, the Writ proceedings can be entertained and the Court can ascertain the truth behind such allegations. But, routine revaluation is impermissible, in view of the fact that the conditions were already communicated to the writ petitioner at the time of filling the above application form.

5.This being the factum, the relief as such sought for in the present Writ Petition to direct the respondents for revaluation, cannot be considered and accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-II)

/ True Copy /

Sub Assistant Registrar(CS-)

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-74940[F] dated 12/07/2019)

W.P. (MD) No.13310 of 2015

Myr

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