

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 07.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.19139 of 2016  
and  
W.M.P.Nos.16680 to 16683 of 2016

P.Karuppasamy

... Petitioner

Vs.

1.The Joint Director of Government

Examinations (HS),  
O/o. Directorate of Government Examination,  
College Road, D.P.I. Campus,  
Nungambakkam,  
Chennai - 600 006.

2.The Chief Educational Officer,  
Old Railway Station Road, Erode.

3.Adharsh Vidhyalaya Matriculation  
Hr. Secondary School,  
Adarsh Nagar, Anthiyur,  
Erode District.

4.The Directorate of Medical Education,  
Kilpauk, Chennai - 10.

5.The Anna University,  
Kotturpuram, Chennai.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of Certiorari, calling for the records relating to the impugned proceedings of the 1<sup>st</sup> respondent in Na.Ka.No.094168/H.5/2015 dated 02.06.2016, quash the same.

For Petitioner : Mr.S.Raveekumar

For Respondents: Mr.P.Sanjay Gandhi,  
Addl. Govt. Pleader [R1, R2 and R4]  
Mr.L.P.Shanmuga Sundaram [R5]

O R D E R

By consent, the writ petition itself is taken up for final disposal.

2. The petitioner is the father of K.Mohan Prabhu-Student of the third respondent school and he appeared for the Higher Secondary Examination in March 2016, in Roll No.295989 and Unique I.D.No.1610285989. According to the petitioner, his son is an intelligent and hard working and secured 490/500 in X Standard Public Examination and in the Higher Secondary Examination held during March 2016, he performed his exams well and was expecting high marks. However, to the shock and surprise, the result of examination has been withheld and in this regard, the petitioner has submitted representations dated 17.05.2016 as well as 27.05.2016 to the first respondent as to the reasons for withholding the result.

3. The first respondent, vide impugned proceedings dated 02.06.2016, has informed the petitioner that a perusal of the answer sheet of the petitioner relating to the Chemistry subject would disclose that handwriting differs as well as the colour of the ink used for writing the answer differs and it was also subjected Forensic Analysis, wherein it was found out that the answer sheets were written by a different person and therefore, he was permitted to appear in the examination to be held during March 2017 and challenging the legality of the order, the petitioner has filed this writ petition.

4. The learned counsel appearing for the petitioner has drawn the attention of this Court to the mark list of the petitioner's son in X Standard as well as the impugned order and would submit that admittedly, the petitioner has not been put on notice as to the Report of the Forensic Analysis and the reasons assigned in the impugned order are per se in violation of principle of natural justice.

5. Per contra, Mr.P.Sanjay Gandhi, the learned Additional Government Pleader, who appears on behalf of the respondents 1, 2 and 4, would submit that Forensic Analysis Report clearly reveals that the answer sheet relating to the chemistry paper in Roll No.295989 was written by somebody and therefore, the conclusion has been reached to permit the petitioner to appear for the examination to be held during March 2017 and prays for dismissal of this writ petition.

6. This Court has considered the rival submissions and also perused the materials placed before it.

7. A perusal of the impugned proceedings of the first respondent dated 02.06.2016 would disclose that before reaching the conclusion based on the Forensic Analysis Report, the petitioner has not been afforded with any opportunity whatsoever, and not even a copy of the said report has been furnished to the petitioner and he has not been granted any opportunity to put forth his case. In the considered opinion of this Court, the impugned order is per se in violation of principle of natural justice and it warrants interference.

8. In the result, this writ petition is allowed and the impugned proceedings of the first respondent dated 02.06.2016 is set aside. The matter is once again remanded to the first respondent for fresh adjudication and consideration. The first respondent is directed to issue a show cause notice to the petitioner spelling out the reasons for withholding the results and also furnish a copy of the Forensic Analysis Report, within a period of one week from the date of receipt of a copy of this order and the petitioner, on receipt of the same, is directed to offer his explanation forthwith. The first respondent on receipt of the same, is directed to consider the said representation on merits and in accordance with law and pass orders within a further period of one week from the date of receipt of the explanation. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-  
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vsm

To

- 1.The Joint Director of Government Examinations (HS),  
O/o. Directorate of Government Examination,  
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Chennai - 600 006.
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Erode District.
- 4.The Directorate of Medical Education,  
Kilpauk, Chennai - 10.

+1cc to Mr.S. Raveekumar, Advocate, S.R.No.30370  
+1cc to Mr.L.P.Shanmugasundaram, Advocate, S.R.No.30420

NR(CO)  
EU(08/06/2016)

Writ Petition No.19139 of 2016