

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:08.06.2016

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.19248 of 2016

and

W.M.P.No.16799 of 2016

Minor M.K.Tanikaivelan,  
Rep. By his father and  
Natural Guardian,  
K.Murugaperuman..... Petitioner

-Versus-

1. The Joint Director,  
Directorate of Government  
Examinations (Higher Secondary),  
Chennai - 600 006.
  2. The Director,  
Directorate of Government  
Examinations (Higher Secondary),  
Chennai - 600 006.
  3. The Director of Medical Education,  
No.162, Poonamallee High Road,  
New Bupathy Nagar,  
Chetpet, Chennai - 600 031.
  4. The Registrar,  
Anna University, Chennai.
  5. The Principal,  
The Adarsh Vidyalaya Higher  
Secondary School, Erode.
- .. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of certiorarified mandamus, to call for the records of the 1<sup>st</sup> respondent pertaining to his proceedings in Na.Ka.No.094168/H.5/2015 and to quash the order dated 02.06.2016 and consequently, to direct the 1<sup>st</sup> and 2<sup>nd</sup> respondents to declare the results of Chemistry and Maths papers written by Minor M.K.Thanikaivelan, having registered No.296146 and to direct the 3<sup>rd</sup> and 4<sup>th</sup> respondents to consider him for admission if he is eligible.

For Petitioner : Mr.R.Yashod Varadan,  
Senior Counsel  
Assisted by Mr.P.Sesubalan Raja  
For R1 to R3 : Mrs.P.Rajalakshmi,  
Government Advocate  
For R4 : Mr.L.P.Shanmuga Sundaram

O R D E R

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

2. Mr.R.Yashod Varadan, learned Senior Counsel appearing for the petitioner, assisted by learned counsel Mr.P.Sesubalan Raja, has drawn the attention of this Court to the affidavit filed in support of the petition and would submit that Minor M.K.Tanikaivelan, S/o.Mr.K.Murugaperuman, who is deponent of the affidavit, had studied in Adarsh Vidyalaya Higher Secondary School at Erode and in SSLC Public Exam, he has secured 495 out of 500 marks and thereafter, he continued his Higher Secondary Course and participated in the final year Public Examination for the Academic Year 2015-2016 and the results were declared on 17.05.2016. However, the exam results of the petitioner was withheld and immediately, the petitioner approached the Chief Education Officer, seeking reasons for withholding the exam results and submitted a representation dated 19.05.2016, followed by a reminder dated 25.05.2016. Subsequently, the petitioner was issued with an impugned order dated 02.06.2016 by the first respondent stating that a perusal of Chemistry and Maths papers written by the petitioner would disclose that there was difference in handwriting as well as colour of the ink differs and hence, Chemistry and Maths answer scripts of the petitioner were sent for forensic examination and the results of the forensic examination revealed that some interpolations as well as corrections were there and therefore, the petitioner was permitted to write the examination to be held during March 2017.

3. It is submitted by the learned Senior Counsel appearing for the petitioner that admittedly before passing the impugned order dated 02.06.2016, the first respondent did not afford any opportunity whatsoever to the petitioner and have not furnished a copy of the forensic report and hence, prayed for interference as well as consequential relief.

4. Per contra, Mrs.P.Rajalakshmi, learned Government Advocate who accepts notice on behalf of the respondents 1 to 3 would submit that the examination answer scripts of the petitioner relating to Maths and Chemistry subjects were sent to Forensic analysis and it clearly reveals that handwriting was different and ink also differs and some interpolations were also there and therefore, a decision has been taken to

<https://hcservices.ecourts.gov.in/hcservices/> exam results of the petitioner and taking into

consideration the future and welfare of the petitioner, he was permitted to write the examination to be held during March 2017 and prays for dismissal of the said petition.

5. This Court has considered the rival submissions and also perused the typed set of papers.

6. As rightly contended by the learned counsel appearing for the petitioner, admittedly, before passing the impugned order, the petitioner has not been afforded any opportunity, which includes non-furnishing of a copy of the Forensic Analysis Report. It is pertinent to point out at this juncture that in the SSLC, the petitioner has secured 495 out of 500 marks and he appears to be a bright student. Since the impugned order visits the petitioner with grave civil consequences and affect the future career and also creates stigma, this Court is of the considered view that before passing the impugned order, the petitioner ought to have been afforded an opportunity to put forth his views, in the light of the adverse forensic report. Therefore, the impugned order warrants interference.

7. In the result, the writ petition is partly allowed and the impugned passed by the first respondent in Proceedings in Na.Ka.No.094168/H.5/2015 dated 02.06.2016 is set aside and the matter is once again remanded to the first respondent for fresh adjudication and the first respondent is directed to issue a show cause notice to the petitioner spelling out the reasons for withholding the results for the current Academic Year 2015-2016, by enclosing 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 submit his response, within a period of one week thereafter. The first respondent shall take into consideration the explanation submitted by the petitioner and shall afford an opportunity of personal hearing to the petitioner or the father of the petitioner, namely, Mr.K.Murugaperuman, and pass orders on merits and in accordance with law, within a further period of two weeks thereafter and communicate the decision taken to the petitioner. No costs. Consequently, connected miscellaneous petition is closed.

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Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

To

1. The Joint Director,  
Directorate of Government  
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Chennai - 600 006.

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Anna University, Chennai.

5. The Principal,  
The Adarsh Vidyalaya Higher  
Secondary School, Erode.

+ 1 cc to Mr.P.Sesubalan Raja, Advocate Sr 30540

+ 1 cc to Mr.L.P.Shanmuga Sundaram, Advocate Sr 31000

+ 1 cc to The Govt.Pleader, Sr 30878

KR/13/6/16

W.P.No.19248 of 2016

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