

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 13.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.19432 of 2016  
and W.M.P.No.16853 of 2016

S.Sivasubramani

... Petitioner

Vs.

1.The Director of Government Examinations,  
College Road, Chennai - 600 006.

2.The Registrar,  
Anna University,  
Guindy, Chennai - 600 032.

3.The Chief Educational Officer,  
College Road, Chennai - 600 006.

4.The Assistant Educational Officer,  
College Road, Chennai - 600 006.

5.The Section Officer,  
Office of the Director of Government  
Examinations,  
College Road, Chennai - 600 006.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of writ of mandamus directing the 1<sup>st</sup> respondent to repay the amount of Rs.1,650/- for scanning and Rs.305/- for retotalling which was paid by the petitioner and award 3 marks for Physics paper in Roll No.754281 to the petitioner's son for the mistake committed by the respondents 3 to 5 and to meet out the expenses met out by the petitioner to admit the petitioner's son in the Deemed University.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents: Mrs.P.Rajalakshmi,  
Government Advocate [R1 & 3 to 5]

Mr.M.Vijayakumar [R2]

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## O R D E R

The petitioner is a practicing lawyer and his son viz., S.Aswin Siddharth had appeared for XII Standard Examination conducted by the Directorate of Government Examinations, Chennai - 600 006 in Exam Roll No.754281 and he has written Higher Secondary Course Examination for Tamil, English, Physics, Chemistry, Computer Science and Mathematics and secured 1013 marks out of 1200 marks. The petitioner, in English subject (Paper-I and paper-II), had secured 164 marks. The petitioner, on coming to know that he would have secured more marks, applied for scanned copy of the examination papers and accordingly, paid the subscribed fee of Rs.1,650/- and obtained all the papers from the Board. When the petitioner verified, while calculating the awarded marks, it has been wrongly stated as 81 marks as against 83 marks. Insofar as, Physics paper is concerned, the petitioner's son was awarded 124 marks out of 150 marks and there also a mistake had crept in. Therefore, the petitioner came forward to file this writ petition.

2. The learned counsel appearing for the petitioner has drawn the attention of this Court to the materials placed before this Court and vehemently contended that it is wholly unpardonable for the reason that in English (Paper-I) as against 93 marks secured by the petitioner, it was stated that only 81 marks have been secured and in the Physics paper also, similar mistake has been committed by the concerned examiner and adding salt to the wound, it was also counter signed by two higher officials and would further add that since the fate of the students is being decided on decimals, such kind of act on the part of the examiner are unpardonable and prays for appropriate orders.

3. Per contra, Mrs.P.Rajalakshmi, learned Government Advocate appearing for respondents 1 and 3 to 5 has drawn the attention of this Court to the typed set of documents and would fairly concede that an error has crept in while totaling the marks insofar as English subject is concerned and the petitioner has been now awarded 93 marks. Insofar as Physics paper is concerned, the learned counsel appearing for the petitioner has drawn the attention of this Court to page Nos.29,37 and 49 of the answer scripts and would submit that in inner page No.7 of the answer script, insofar as question No.47 is concerned, the petitioner's son is entitled to three marks only and erroneously, he was awarded four marks and insofar as inner page No.19 of the answer script is concerned, instead of recording the marks as 3, it has been recorded as 7, which resulted in four excess marks and the petitioner has secured only 123 marks out of 150 marks and since he was not applied for revaluation, the original marks obtained by him i.e., 124 marks out of 150

marks is retained. It is also brought to the knowledge of this Court by the learned Government Advocate that as per G.O.Ms.No.77, School Education Department, dated 07.05.2001, if there is any deficiencies noted at the time of revaluation, the concerned valuator/examiner will be proceeded departmentally.

4. It is rightly contended by the learned counsel appearing for the petitioner that the petitioner but for revaluation would not have got extra 12 marks in English Subject and the alleged mistake committed by the concerned examiner prima facie appears to be not correct. But this Court is not expressing any opinion in that regard and it is open to the petitioner to submit a representation to the first respondent pointing out the said lapse within a period of two weeks from the date of receipt of a copy of this order and the first respondent, on receipt of the same, is directed to consider and dispose of the same on merits and in accordance with law after putting the concerned examiner on notice and also take a note of the above cited Government Order and pass orders as expeditiously as possible and not later than four weeks thereafter.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

vsm

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

- 1.The Director of Government Examinations,  
College Road, Chennai - 600 006.
- 2.The Registrar,  
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Guindy, Chennai - 600 032.
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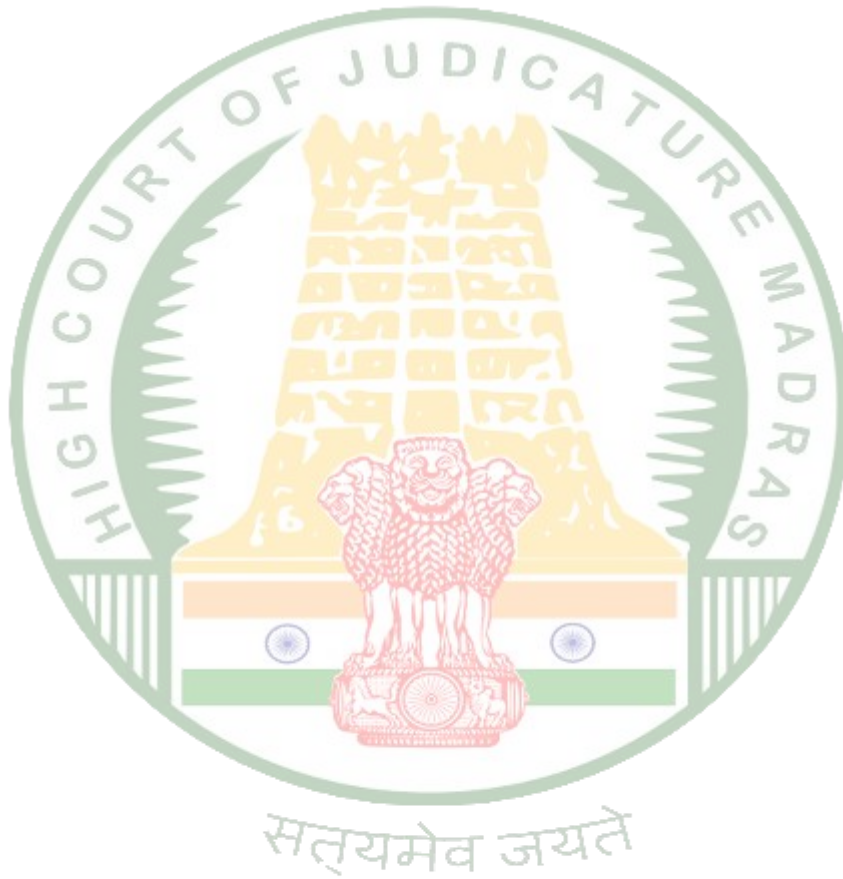
+ 1 cc to Mr.S.Ilamvaludhi, Advocate SR 32032

+ 1 cc to Mr.M.Vijayakumar, Advocate SR 32119

+ 1 cc to Govt.Pleader SR 31968

scd(co)  
prk15/6

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