

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.06.2016

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.19644 of 2016

and WMP.No.17005 of 2016

T.Sivakumar

.. Petitioner

Vs.

1.The Director of Govt. Examinations,
Chennai- 600 006.

2.The Joint Director of Govt. Examinations,
(Higher Secondary),
Chennai-600 006.

3.The Chief Educational Officer,
Erode.

4.The Principal,
Adarsh Vidhyalaya Matriculation Higher
Secondary School,
Atharsh Nagar,
Erode-638 812.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records pertaining to the order dated 2.6.2016 in proceedings Na.Ka.No.094168/H5/2015 of the 2nd respondent and quash the same and further direct the first respondent to release the Higher Secondary Examination, 2016 results of all papers of the petitioner's son, namely, S.Yaswanth Kumar under Roll No.296188, within a reasonable time.

For Petitioner : Mr.N.Anand Venkatesh

For Respondents: Mrs.P.Rajalakshmi
Government Advocate for R1 to R3

O R D E R

By consent, this writ petition is taken up for final

2. The petitioner would state that his minor son, namely S.Yaswanth Kumar, aged about 17 years, was studying in Adharsh Vidhyalaya Matriculation Higher Secondary School, Erode and he wrote the Higher Secondary Examinations held during April 2016 under Roll No.296188. According to the petitioner, his son wrote all the six examinations well and was waiting for the results and the results were published on 17.05.2016 and on on-line verification, the petitioner came to know that his son's examination results have been withheld. The petitioner applied to the first respondent for supply of scanned copy of answer scripts in respect of all six subjects on 19.05.2016 and also paid the necessary fees, however it was not furnished. The petitioner, in this regard, has submitted a representation to the fourth respondent school praying for taking necessary steps and the fourth respondent in-turn has addressed a letter to the third respondent praying for declaration of the withheld results. The petitioner has also submitted a representation to the first respondent on 30.05.2016 praying for declaration of the withheld results and also for issuance of mark sheet and in response to the same, the second respondent has sent the impugned communication dated 02.06.2016 stating that the verification of the answer scripts of the Chemistry subject written by the petitioner's son under Roll No.296188 revealed that the handwriting differs and so also the ink and it was also subjected to forensic analysis and it also revealed some interpolations and some corrections have been made in the answer scripts and accordingly, the examination results in respect of the petitioner's son has been withheld and he was granted liberty to appear for the examinations to be held in March, 2017 and challenging the legality of the said order, the petitioner has come forward with this petition.

3. Mr.N.Anand Venkatesh, learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that despite representation given by the petitioner as well as the fourth respondent school, no response was forthcoming and to the petitioner's shock and surprise, the impugned order came to be passed relying upon Forensic Laboratory Report and admittedly, the son of the petitioner was not put on notice with regard to the alleged misconduct and copy of the Forensic Analysis Report relied on by the second respondent has also not been furnished and therefore, prays for interference.

4. Mrs.P.Rajalakshmi, learned Government Advocate, who accepts notice on behalf of the respondents 1 to 3, would contend that the perusal of the answer scripts of the petitioner's son relating to Chemistry subject revealed that different inks were used and handwriting also differs and there were interpolations and it was subjected to forensic

analysis, which revealed some malpractice/misconduct on the part of the petitioner's son and therefore, the examination undergone by the petitioner's son was rightly cancelled and taking into sympathetic consideration and also considering the future and welfare of the petitioner's son, he was afforded opportunity to appear in the ensuing examinations in March 2017 and prays for dismissal of this writ petition.

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

6. It is to be pointed out at this juncture that the impugned order, withholding the examination results undergone by the petitioner for the academic year 2016-2017, visited the petitioner's son with grave consequences in the form of cancellation of the examinations undergone by him and therefore, the first respondent in all fairness would have put the petitioner's son on notice with regard to the alleged misconduct and though reliance has been placed upon Forensic Analysis Report, admittedly, copy of the same has not been furnished to the petitioner's son. Therefore, this Court is of the considered opinion that the impugned proceedings of the second respondent warrants interference.

7. In the result, this Writ Petition is partly allowed and the impugned order of the second respondent in Na.Ka.No.094168/H5/2015 dated 02.06.2015 is set aside and the matter is once again remanded to the second respondent, who shall issue notice containing reasons and also by enclosing a copy of the Forensic Analysis Report to the petitioner's son, within a period of one week from the date of receipt of a copy of this order and upon receipt of the same, the petitioner's son is to be given opportunity to put forth his explanation within a period of one week thereafter and the second respondent, on receipt of the same, is directed to consider the same on merits and in accordance with law after affording an opportunity of personal hearing to the petitioner's son and pass orders within a period of 10 days thereafter and communicate the decision taken to the petitioner's son. It is also open to the official respondents to declare the results of the petitioner's son in respect of the remaining subjects. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

jvm

To

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Chennai- 600 006.

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3.The Chief Educational Officer,
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Adarsh Vidhyalaya Matriculation Higher Secondary School,
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Erode-638 812.

1 cc to M/s.N.Anand Venkatesan, Advocate, sr.31095

1 cc to The Government PLeader, sr.31095, 31248

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