

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2016

CORAM

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.5845 of 2016

and WMP No.5189 of 2016

S.Navaneethan ... Petitioner
vs.

1. The Tamilnadu Public Service Commission,
Rep. by its Secretary,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai - 3
 2. The Controller of Examination,
Tamilnadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai - 3
- ... Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, directing the respondents to allot marks for Question Nos. 37 69 and 93 of Paper 2 - General Studies in respect of the written examination and selection for the post of Asst. Engineer (Civil) in Highways Department Tamil Nadu High Ways Engineering Service to the petitioner as the said questions have not been provided either with a proper answer key or with a proper correct option as one of the options given in the answer sheet and consequently direct the respondents to consider the petitioner for appointment in terms of his merit by including the marks for the said questions.

For Petitioner : Mr.E.Om Prakash
for M/s.Ramalingam and Asso.

For Respondents: Mrs.CNG.Niraimathi
Standing counsel for TNPSC

O R D E R

This writ petition was filed by Mr.S.Navaneethan, seeking a writ of mandamus, directing the respondents to allot marks for Question Nos. 37 69 and 93 of Paper 2 - General Studies, in respect of the written examination and selection for the post of Asst. Engineer (Civil) in Highways Department, Tamil Nadu Highways Engineering Service to the petitioner as the said questions have not been provided either with a proper answer key

or with a proper correct option as one of the options given in the answer sheet.

2. Heard the learned counsel appearing for both parties.

3. Learned counsel for the petitioner would submit that the petitioner has attempted Question Nos.37, 69 and 93, which are given as under.

(i) To Question No.37, the petitioner has given answer (B). Whereas, the key answer given by the respondents, is (D).

(ii) Further, when he attempted to answer Question No.69, viz. 'In which year the Headquarter of the Theosophical Society was established at Adyar (Madras)?', instead of giving a correct answer viz., 1886, the four options given by the respondents are not relevant to the real answer and the key answer given by the respondents, is (A).

(iii) Similarly, when the petitioner attempted Question No.93, viz., 'Who is the recipient of Padmavibhusan Awards 2015?' the four options given by the respondents, were not actually correct because none of the persons was included in the list for Padmavibhusan awards 2015. The key answer given for the said question is (A).

On this basis, the petitioner has sought for a direction, directing the respondents to award the requisite marks.

4. Adding further, learned counsel for the petitioner would submit that had the respondents awarded 2 marks each to Question Nos.37, 69 and 93, the petitioner's name would have been found in the selection list. Now in view of the above, the petitioner shall be declared as selected candidate.

5. A detailed counter affidavit has been filed by the respondents. It is relevant to extract paragraph Nos.9 and 10 of the said counter affidavit, to answer the prayer in the writ petition.

"9. It is submitted that the consequence of the above exercise was that the key answer for Question No.37 was arrived as 'B' instead of the tentative key answer notified as 'D'. Therefore, all the candidates who had shaded 'B' as the answer for Question No.37 were awarded mark including the petitioner. Therefore, the petitioner has not suffered any loss of mark since the key answer which was taken into consideration was only 'B' for Question No.37 and not 'D'.

10. With regard to the contention in paragraphs 9 and 10 of the affidavit, that the Question Nos.69 and 93 had wrong options, it is respectfully submitted that as stated supra, these two questions were also pointed out by three candidates and the result of the exercise undertaken for ascertaining the correct options revealed that none of the options provided under Question Nos.69 and 93 were correct. Therefore, for these two

questions, the Commission awarded mark, to all the candidates, those who have appeared for the Examination. Therefore, the writ petitioner has not suffered any loss of mark for the wrong options given under Question Nos.69 and 93."

6. In view of the above, the writ petition becomes infructuous. Hence, the writ petition fails and the same is dismissed. No Costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

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To

1. The Secretary,
Tamilnadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai - 3

2. The Controller of Examination,
Tamilnadu Public Service Commission,
Frazer Bridge Road, VOC Nagar,
Park Town, Chennai - 3

2 ccs to M/s. Ramalingam & Associates, Sr. 13374

W.P.No.5845 of 2016

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