



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.06.2016

CORAM

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.10181 of 2016

Nagoor Maideen

... Petitioner

Vs.

The Director,
The Board of Higher Secondary Examination,
The School of Education,
D.P.I. Campus,
College Road,
Chennai 600 001.

... Respondent

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the respondent to consider the representation of Petitioner's daughter dated 03.06.2016 for re-valuation of subjects Physics, Chemistry and Biology in her Higher Secondary Examination conducted 2016 within the time period stipulated by this Hon'ble Court.

For Petitioner

:Mr.S.Lenin Prabu

For Respondent

:Mr.V.Muruganandham

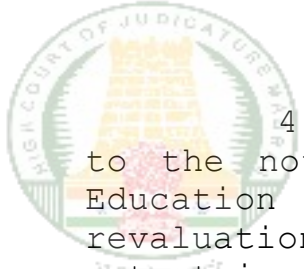
Additional Govt. Pleader

O R D E R

Heard both sides.

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

3. According to the petitioner, his daughter has scored 107 marks in Physics subject, in the subject of Chemistry, she scored 100 marks, in the subject of Biology, she scored 83 marks. However, since the petitioner was affected with cancer and because of her ill-health, she could not apply for revaluation on or before 21.05.2016. The main reason attributed on behalf of the petitioner is that he was unable to apply for revaluation in respect of her daughter in time due to her hospitalization and on 03.06.2016, the petitioner's daughter submitted a detailed representation to the respondent. However, till date, no action has been taken by the respondent. Hence, he has come forward with the present writ petition.



4. Per contra, on behalf of the respondent, it is brought to the notice of this Court that as per G.O.(Ms).No.8, School Education (V1) Department, dated 17.01.2001, any application for revaluation, if it is submitted belatedly, the same cannot be entertained. In effect, the submission projected on the side of the respondent is that after the expiry of the time, prescribed in the subject matter in issue, the revaluation of papers cannot be entertained by the concerned authorities.

5. As far as the present case is concerned, the petitioner in paragraph No.4 of his affidavit had himself in a categorical fashion stated that revaluation ought to have been applied for in the subject matter in issue on or before 21.05.2016.

6. Since the G.O.(Ms).No.8, School Education (V1) Department, dated 17.01.2001 does not render a helping hand to and in favour of the petitioner, this Court is unable to extend its judicial generosity, looking at from that angle. Hence, the writ petition fails.

7. In the result, the writ petition is dismissed, leaving the parties to bear their own costs.

Sd/-

Assistant Registrar(Record)

/True copy/

Sub Assistant Registrar

To

The Director,
The Board of Higher Secondary Examination,
The School of Education,
D.P.I. Campus,
College Road,
Chennai 600 001.

+1cc to special Government Pleader SR.No.33910

sm:GSV-PM:06.07.2016:2P/3C

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