



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :22.06.2016

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THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.10764 of 2016

and

WMP(MD)Nos.8351 and 8352 of 2016

M.Pandi

.. Petitioner

vs.

The Director,
Department of Employment and Training,
Guindy,
Chennai - 600 032.

.. Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus directing the respondent to supply a copy of the Petitioner's OMR Sheet (Regn.No.3610964) in Booklet Series - R, in the Screening Test conducted on 21.02.2016 for Direct Recruitment to the Post of Junior Training Officer in Government Industrial Training Institutes in the State of Tamil Nadu for the year 2014-2015, within the time limit to be fixed by this Hon'ble Court.

For Petitioner :Mr.A.Thirumurthy for
M/s.Victory Associates
For Respondent :Mr.R.Anandaraj,
Government Advocate

ORDER

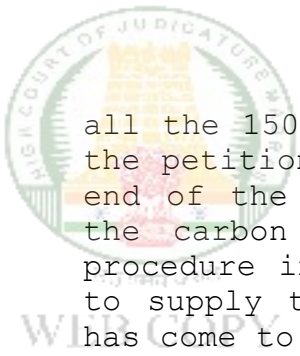
The petitioner Mr.M.Pandi, applied to the Post of Junior Training Officer through 'on-line' on 29.01.2016 and he has also sent the prescribed fee and application and the same was registered vide registration No.3610964. The selection process is two folded, namely,

(1) Primary Selection: Through Screening Test and the candidates will be short-listed based on the screening Test Marks in the ratio of 1:5 depending on the number of vacancies in each category.

(2) Main Selection: Short-listed candidates will be allowed to Main Selection and they have to face the following two stages:

- A. Practical cum Teaching Ability Test;
- B. Oral Interview.

2. The petitioner after receiving the hall ticket, attended the Screening Test on 21.02.2016 at Mannar Thirumalai Naicker College, Pasumalai, Madurai-4. The petitioner on receipt of Booklet Series - R, followed all the instructions given in the question booklet and attended



all the 150 questions by shadowing one box in each question. Since the petitioner has shadowed all the answers as per the guidelines, at the end of the Screening Test, he requested the Hall Supervisor to detach the carbon copy of the OMR sheet and give it to him as it is the procedure in all the TRB Examinations. But, the Hall Supervisor denied to supply the carbon copy of the OMR sheet. Therefore, the petitioner has come to this Court.

3. It is stated that on 01.03.2016, the provisional list of candidates were called for the Skill Test, Certificate Verification and personal Interview. But, to his shock and surprise, the name of the petitioner was not found place in the provisional selection list. Therefore, the claim of the petitioner is that since he has answered 150 questions, 65 marks given to the petitioner is wrong. Therefore, he has made a representation to the respondents to re-check his OMR sheet since 65 marks awarded to the petitioner is less than the expected one.

4. Taking support from the judgment of the Honourable Division Bench of this Court in the case of R.M.Thandayuthapani vs. The Secretary, Tamil Nadu Public Service Commission in W.P.No.5795 of 2015, dated 20.03.2015, Mr.Thirumurthy, the learned counsel appearing for the petitioner emphatically submitted that this Court has clearly held that right to information is a cherished right and the information and right to information, are intended to be formidable tools in the hands of the responsible citizens to avoid corruption and to bring in transparency and accountability. On this basis, it was clearly held therein that the petitioner was entitled to copies of the answer books and the key answer, notwithstanding the fact that the interview has not commenced so far. Finally, the Honourable Division Bench of this Court has directed the respondents therein to furnish copies of answer books and key answer to the petitioner within a period of four weeks. Therefore, denial of the respondents to furnish carbon copy of the OMR sheet to re-check his OMR sheet is wholly arbitrary and unreasonable. Therefore, the same is liable to be set aside.

5. In reply, Mr.R.Anandaraj, learned Government Advocate appearing for the respondent in the light of the above mentioned judgment of this Court, binding all parties, readily conceded to the prayer stating that if the petitioner comes forward to the office of the respondent with a copy of this order with fresh application or a copy thereof submitted earlier, his carbon copy of the OMR sheet will be given to the petitioner.

6. Recording his submissions, the Director, Department of Employment and Training, Chennai, is hereby directed to furnish a carbon copy of the Petitioner's OMR Sheet (Regn.No.3610964) in Booklet Series - R, in the Screening Test conducted on 21.02.2016, forthwith on production of a copy of this order along with application.



7. In the result, the Writ Petition is allowed. No Costs.
Consequently, connected miscellaneous petitions are closed.

Sd/
Assistant Registrar(Records)

WEB COPY/True Copy/

Sub Assistant Registrar.

To
The Director,
Department of Employment and Training,
Guindy,
Chennai - 600 032.

+1CC to M/S.A.Thirumurthy, Advocate, SR.No. 32267
+1CC to the Special Government Pleader, SR.No. 32457

W.P.(MD)No.10764 of 2016
22.06.2016

pm
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