

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SMT JUSTICE ANIS

WRIT PETITION No. 22132 of 2016

ORDER: (*Per VRS,J*)

Contending that her answer to question No.4(b) of Part-A (Civil Paper) for selection to the post of Civil Judges (Junior Division) has not been evaluated, the petitioner has come up with the above writ petition seeking a Mandamus.

2. Heard Mr. N. Ashwani Kumar, learned counsel for the petitioner, and Mr. P. Ravi Prasad, learned standing counsel appearing for the Registry of the High Court.

3. The petitioner participated in the selection for appointment to the post of Civil Judges (Junior Division), pursuant to a notification, dated 01.02.2014. She appeared for the written examination on 25.10.2015. The results of the written examination were declared, according to her, on 06.01.2016. Her name was not included in the list of candidates, who qualified for interview.

4. Eventually, it was found out by the petitioner that she had secured 20 marks in Part-A and 20 marks in Part-B, aggregating to 40 marks. She is a candidate belonging to the un-reserved categories.

The cut off mark for O.C. (Women) was 40.50. Finding that the margin was only 0.50, the petitioner applied for copies of her answer papers. After the answer papers were furnished, she came up with the above writ petition, contending that for question No.4(b) of Part-A (Civil Paper), the respondents had actually awarded zero marks.

5. The prayer, with which the petitioner came up, was to declare that the awarding of zero marks for her answer to question No.4(b) of Part-A was illegal, and to direct the respondents to award marks for her answer to question No.4(b).

6. But, a perusal of the answer book that the petitioner has filed, reveals that for question No.4(b), she has been awarded one mark. Therefore, the very premise, on which the relief sought in the writ petition is founded, is completely contrary to the facts.

7. It is relevant to point out that the maximum marks for question No.4(b) is 2. Question No.4(b) relates to the explanation of the terms "*Tenant holding over*" and "*Tenant at sufferance*".

8. In the answer book, the petitioner has explained the terms "*Tenant holding over*" and "*Tenant at sufferance*" respectively in additional sheet Nos.2 and 3. In additional sheet No.2, the examiner has awarded one out of two marks.

9. Therefore, the petitioner is not entitled to any relief for two reasons. The first is that the very basis, on which she has come up with the writ petition as though zero marks were awarded to question No.4(b), is factually incorrect. The second is that the moment one out of two marks is found to have been awarded to the petitioner, our jurisdiction under Article 226 stops. We are not entitled to examine the answer to question No.4(b) and come to a conclusion as to whether the petitioner deserved more than the marks awarded or not.

10. Another argument advanced by the learned counsel for the petitioner is that another candidate, who has written a similar answer or an answer, which did not even match the answer of the petitioner, has been awarded 1 ½ mark. Therefore, it is contended that the answer of the petitioner calls for re-evaluation.

11. But, it is well settled by a *catena* of decisions that there is no right of re-evaluation. The only right that a candidate has in a competitive examination, is to see whether all his answers have been evaluated or not. If the answer has been evaluated, then the question of comparing the answers given by other candidates and the marks awarded to them does not lie within the framework of the jurisdiction under Article 226. Therefore, the Writ Petition is dismissed.

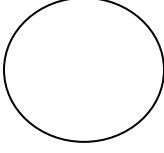
Consequently, miscellaneous petitions if any pending in the writ petitions shall stand dismissed. No order as to costs.

V. RAMASUBRAMANIAN, J

ANIS, J.

1st September, 2016
cbs





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