

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2017

Coram

The Honourable **Mr.Justice HULUVADI G.RAMESH,**

and

The Honourable **Dr.Justice S.VIMALA**

W.A.NO.45 OF 2017

M.Kavitha

.. Appellant

versus

1. The Director of Teacher Education,
Research & Training,
College Road,
Chennai-600 006.

2. The Director of Government Examinations,
College Road,
Chennai-600 006.

3. Haji S.M.S.Shaik Jalaludeen Teacher Training Institute,
run by Shaduli Family Private Trust,
Adirampattinam Post, Pattumkottai taluk,
Thanjavur-614 701,
Tamil Nadu,
rep. by its Correspondent,
S.Mohammed Mohideen

.. Respondents

For Appellant : Mr.B.Rabu Manohar

For Respondent : Mr.K.Venkatramani, AAG
for R1&R2

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order of the learned single Judge dated 02.04.2014 in W.P.No.13956 of 2011.

JUDGMENT

(Judgment of the Court was made by
HULUVADI G. RAMESH, J.)

This Writ Appeal has been directed against the order of the learned single Judge dated 02.04.2014 in W.P.No.13956 of 2011 dismissing the writ petition filed by the appellant herein.

2. According to the appellant, she belong to Most Backward Community and obtained 44.5% of marks in her Plus Two examination and applied for admission in D.T.Ed. course and joined in 3rd respondent institution. When approval of the appellant's admission were sent, the respondents 1 and 2 have not approved the same since the appellant did not obtain 45% of the marks. The claim of the appellant is that just a fraction of 0.5% marks alone is required which can be rounded off.

3. The learned Judge, after adverting to the submissions made on both sides, rejected the claim of the appellant, stating that there is no specific provision to round off the marks from

44.5% to 45% and that securing 45% marks in Plus Two examination to get admission in D.T.Ed. Course, the appellant is not entitled to the relief as sought for.

4. Learned counsel for the appellant has made reference to the judgments of the Hon"ble Supreme Court in the cases of "[State of U.P. and Anr. v. Pawan Kumar Tiwari and Ors.](#)" (2005) 2 SCC 10 and "State of Punjab and Anr. v. Asha Mehta, (1997) 11 SCC 410, and has contended that if the fraction is 5 or above it has to be rounded up so as to read as 1. On the same analogy, the learned counsel contends that the marks obtained by the appellant i.e. 44.5% should be rounded up and should be read as 45%.

5. In similar circumstances, this Court in "*R.Elangovan versus Tamil Nadu Government, by its Secretary, Higher Education Department, Chennai and others*" reported in (2007) 7 MLJ 1041, has held as under:

"11. In the light of the above said judgements of the Apex Court and the order dated

24.3.2006 of this Court and also considering that facts that since the selection of the appellant was made by conducting the interview and as per the said selection, he was appointed subject to approval by the Government with regard to the relaxation of the qualification and that the appellant was working from 1991 with the same percentage of marks and that the University passed a resolution dated 9.3.2001, approving his appointment relating to his qualification and that it is a general principle in Mathematic with regard to the rounding of decimal digit that when the decimal digit it exceeds 0.5 or equivalent to 0.5, it will be taken as one or 1 will be added to the integer number and that accordingly 54.51% of marks was rounded off to 55%, we are unable to appreciate the reasons given by this Court in the impugned order, dismissing the present Writ Petition and this Court is of the considered view that the impugned order in this writ appeal is liable to be set aside."

6. Having regard to the above, since the appellant has secured 44.5% and there is a fraction of 0.5% is less to get herself qualified for admission into D.T.Ed.Course and that the

decimal digit is 0.5 which is not below to 0.5, we make it rounded off to 1 and thereby, the appellant virtually secured 45% of the marks.

Accordingly, the Writ Appeal is allowed, setting aside the order of the learned Judge dated 21.4.2017. Consequently, the respondents 1 and 2 are directed to approve admission of the appellant and enable her to complete the Course. No costs.

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(H.G.R.,J.) (S.V.,J.)
21.04.2017

To

1. The Director of Teacher Education,
Research & Training,
College Road,
Chennai-600 006.

2. The Director of Government Examinations,
College Road,
Chennai-600 006.

3. S.Mohammed Mohideen
Correspondent,
Haji S.M.S.Shaik Jalaludeen Teacher Training Institute,
run by Shaduli Family Private Trust,
Adirampattinam Post, Pattumkottai taluk,
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HULUVADI G.RAMESH, J.
and
DR.S.VIMALA, J.
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