

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.08.2017

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

Writ Petition No.21871 of 2017

Minor D.Rakha Adershni (Roll No.397384)
represented by her father and natural guardian
C.K.Jayadevraj ... Petitioner

Vs.

- 1.The Director of Government Examinations,
College Road,
Chennai - 600 006.
- 2.The Government of Tamil Nadu,
Rep.by its Secretary
School Education Department,
Fort St.George, Chennai - 600 009.
- 3.The Director of School Education,
College Road,
Chennai - 600 006. ... Respondents

Prayer:

Writ petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, directing the respondents herein to award one(1) mark to the petitioner in the light of the order of the Honourable Division Bench in W.A.No.565 of 2017, dated 12.06.2017 since she attempted Question No.14 of Section-A of Part II (Zoology) in the A-Type Question Paper for the subject Biology in the HSC Examinations, March 2017.

For Petitioner : Mr.Kandhan Duraisami
For Respondents : Mr.V.Anandhamoorthy
Additional Government Pleader

O R D E R

The petitioner's daughter wrote her Plus Two Examinations in March, 2017 and for question No.14, in Section A of Part II (Zoology), as all the key answers were wrong, the petitioner's daughter chose option (d), which was near to the correct answer.

However, she has not been given marks for the said question. Therefore, the petitioners has come before this Court for grant of one mark for the said question.

2. Heard Mr.Kandhan Duraisamy, learned counsel for the petitioner and Mr.V. Anandhamoorthy, learned Additional Government Pleader for the respondents.

3. Question No.14 in Section -A of Part II (Zoology) (A Type Question Paper) is as follows:

"In a new born child the water content isof body weight.

(a) 80-90% (b) 55-60% (c) 71-78% (d) 80-95%"

According to the petitioner, the answer for the said question in the Biology(Zoology) Text Book for Higher Secondary - Second Year (Plus Two) prescribed by the Tamil Nadu Textbook Corporation reads as follows:

"The total body water content varies with age, sex and body weight. In a new born child it is 85 to 90% of body weight".

Therefore, from the above, it is seen that in a new born child, the total body water content is 85-90% of body weight and two out of the four options given, namely, option (a) 80 -90% and option (d) 80-95% are nearer to the correct answer. To put it in other words, the key answers given for question No.14 are vague, as they are not exactly the same as that of the answer given in the text book prescribed by the Tamil Nadu Textbook Corporation. Since there were two options which were nearer to the correct answer, all the candidates, who attempted the said question and chose either of the two options, have to be given their due marks for the said question. The petitioner's daughter had chosen option (d) and therefore, she is entitled to be given one mark.

4. In similar circumstances, a learned Single Judge of this Court in W.P. No. 8970 of 2017, by order dated 28.04.2017, directed the authorities to award one mark for the aforesaid question. On appeal, a Division Bench of this Court in W.A. No. 565 of 2017, by judgment dated 12.06.2017, directed the authorities to award one mark for all the students, who applied for revaluation. Though the petitioner's daughter would not come under that category, still, she is entitled to get one mark as she had chosen option (d) for question No.14, which is one of the options nearer to the correct answer. Hence, the respondents are

directed to award one mark to the petitioner's daughter for the said question and produce the corrected mark sheet on 18.08.2017. The writ petition is disposed of accordingly. No costs.

5. Post on 18.08.2017 for reporting compliance.

Sd/-
Asst.Registrar (CS VIII)

/true copy/

Sub Asst. Registrar

To

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

2.The Government of Tamil Nadu,
Rep.by its Secretary
School Education Department,
Fort St.George, Chennai - 600 009.

3.The Director of School Education,
College Road,
Chennai - 600 006.

+1cc to Government Pleader sr.59327

W.P.No.21871 of 2017

pa(co)
ss(18/8/2017)

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