

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.08.2017

CORAM

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.Nos.19665, 19666 and 18882 of 2017

1. Minor M.Baby Shalini (Roll No.319659),
Rep. by her mother and
next friend M.Parimala Devi.
...Petitioner in W.P.No.19665 of 2017
 2. Minor M.Yogapriya (Roll No.359517),
Rep. by her father and
natural guardian V.Muthu.
...Petitioner in W.P.No.19666 of 2017
 3. Minor K.Dhivyashree (Roll No.391246),
Rep. by her father and
natural guardian R.Krishnan.
...Petitioner in W.P.No.18882 of 2017
- 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
in all Writ Petitions

Prayer in all W.Ps.:— Writ Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to award one (1) mark to the petitioners in the light of the order of the Hon'ble Division Bench in W.A.No.565 of 2017 dated 12.06.2017 since they attempted question No.16 of Section-A of Part II (Bio- Zoology) in the B-Type Question Paper for the subject Biology in the HSC Examinations, March, 2017.

For Petitioners: Mr.S.Doraisamy, Senior Counsel,
for M/s.Muthumani Doraisamy

For Respondents : Mr.V.Anandhamoorthy,
Additional Government Pleader

O R D E R

These Writ Petitions have been filed to direct the respondents herein to award one (1) mark to the petitioners in the light of the order of the Hon'ble Division Bench in W.A.No.565 of 2017 dated 12.06.2017 since they attempted question No.16 of Section-A of Part II (Bio- Zoology) in the B-Type Question Paper for the subject Biology in the HSC Examinations, March, 2017.

2. The petitioners wrote +2 examinations held in March, 2017. One of the subjects was Bio-Zoology, wherein, question number 16 was regarding water content in the body weight of new born child. Four options were given namely, (a) 80-90% (b) 55-60% (c) 71-78% (d) 80-95%. However, it is found from the textbook published by the Tamil Nadu Textbook Corporation that in a new born child, the water content is 85 to 90% of the body weight. If the said answer is taken into consideration, answer (a) and answer (d) could be correct answers. However, the educational authorities fixed answer (a) as the correct answer. When options (a) and (d), though are not exactly correct answers, but near correct answers, the authorities, should have given marks for all the students, the petitioners would point out. Thus, indicating the ambiguity in the options given, the petitioners have come before this Court, seeking award of one(1) mark for the said question to each one of them.

3. Heard Mr.S.Doraisamy, learned Senior Counsel appearing for the petitioners and Mr.V.Anandhamoorthy, Additional Government Pleader, appearing for the respondents.

4. As already stated, both options (a) and (d) are not exactly correct answers, but they are near correct answers. Since there is an ambiguity in the answers fixed by the examining authorities, one (1) mark should be given to all the students, who attempted the said question namely, question number 16, in Section-A of Part-II (Bio-Zoology) in the B Type Question Paper.

5. In an earlier case, a learned Single Judge of this Court, allowed the writ petition filed by similarly placed persons like that of the petitioners, by virtue of order dated 28.04.2017 in W.P.No.8970 of 2017, directing the authorities to award one(1) mark. On appeal by the Government in W.A.No.565 of

2017, by judgment dated 12.06.2017, a Division Bench of this Court, directed to award of one(1) mark to the candidates, who had selected even the wrong options, though not the nearest answer and the said benefit was available only to the candidates, who had applied for revaluation.

6. Be that as it may. When it is admitted by the Educational Authorities themselves that the answers are ambiguous and none of the options given are exact answers and two options are available as near answers, the petitioners, irrespective of whether they applied for revaluation or not, are entitled for one(1) mark each. Therefore, the Writ Petitions are allowed. The petitioners are directed to produce their respective mark sheets before this Court on 07.08.2017, on which date the respondents shall give a fresh mark sheet to each of the petitioners after adding one mark in respect of question No.16 of Section-A of Part II (Bio- Zoology) in the B-Type Question Paper for Bio-Zoology subject. No costs.

7. Call the matter for reporting compliance on 07.08.2017.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

asi/nv
To

1. The Director of Government Examinations,
College Road, Chennai - 600 006.
2. The Secretary,
School Education Department,
Fort St.George, Chennai - 600 009.
3. The Director of School Education,
College Road, Chennai - 600 006.
4. The Section Officer, Writ Section, High Court, Madras.
(Post the case on 7.08.2017)

W.P.Nos.19665, 19666 and
18882 of 2017

GP (CO)
EU 4.08.17