

In the High Court of Judicature at Madras

Dated: 03.01.2017

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The Honourable **Mr.JUSTICE B.RAJENDRAN**

W.P.Nos.38911 of 2016 and 41351 of 2016

and

WMP Nos.35307 and 35308 of 2016

in

W.P.No.41351 of 2016

W.P.38911/2016:-

1 Minor S.Monika Rep. by her
father & natural guardian C.Sakthivel ..Petitioner

Vs

- 1 The Joint Director
Directorate of Government Examinations
(Higher Secondary) Chennai-6.
- 2 The Director
Directorate of Government Examinations
(Higher Secondary) Chennai-6.
- 3 The Director of Medical
Education No.162 Poonamallee High Road
New Bupathy Nagar Chetpet Chennai-31.
- 4 The Registrar
Anna University Chennai
- 5 The Principal
The Adarsh Vidyalaya Higher Secondary School
Erode ..Respondents

Prayer: Writ petition filed under Article 226 of the constitution of India for issuance of a writ of certiorarified mandamus to call for the records of the 1st respondent pertaining to his proceeding dated 2.6.2016

made in Na.Ka. No.094168/ H5/2015, quash the same and consequently direct the 1st and 2nd respondents to declare the results of Chemistry and Maths Papers written by Minor S.Monika having registered No.295617 and to direct the 3rd and 4th respondent to consider her for admission if she is eligible.

For Petitioner : Mr.A.Mohamed Ismail
 For Respondents : Mr.O.R.Maheswaran for R1 and R2
 Government Advocate
 Mr.Bharani for R3

W.P.No.41351/2016:

1 A.Selvan ...Petitioner

Vs

1 The Joint Director of Govt.
 Examinations (HS) O/o.Director of Govt.
 Examination College Road D.P.I Campus
 Nungambakkam Chennai-600 006.

2 The Chief Educational Officer
 Old Railway Station Road Erode.

3 Adharsh Vidhyalaya
 Matriculation Hr. Secondary School,
 Adharsh Nagar,
 Anthiyur, Erode District.

..Respondents

Prayer: Writ petition filed under Article 226 of the constitution of India for issuance of a writ of certiorarified mandamus to call for the records pertaining to the impugned order of the 1st respondent dated 02.06.2016 in Na.Ka.No.094168/ H5/2015 and quash the same and further direct the 1st respondent to provide the mark statement of the petitioner's son Vasant bearing Roll No.296152 in the subjects Chemistry and Maths.

For Petitioner : Mr.Venkatachalapathy
Senior Counsel
for Mr.M.Devaraj
For Respondents : Mr.O.R.Maheswaran for R1 to R3
Mr.L.P.Shanmugasundaram for R4
Mr.Bharani for R5

ORDER

These writ petitions are filed for the reliefs stated therein.

2.According to the petitioners, the petitioners had appeared for the higher secondary examination conducted during March 2016 and assigned Roll No. 295617 and 296152. Whiles, the first respondent has passed the impugned order dated 02.06.2016, alleging that the results of Chemistry and Maths of the petitioners were withheld in view of the reports from forensic examiners revealing that the inserted answers, corrections were written by somebody and that they could write the examination in March 2017. The petitioner in W.P.No.38911 of 2016 requested the respondents 1 and 2 to declare the results of those subjects excluding the marks for interpolation and made a representation dated 13.06.2016 to the first respondent to issue mark statement, which has not been considered. Aggrieved against these impugned orders, the above writ petitions are filed.

3.Heard both sides.

4.This Court by an earlier order dated 21.07.2016, has passed the following order at paragraph No.12:-

"12.Be that as it may, in the light of the above facts and circumstances, this court is of the view that the benefit of doubt shall enure in favour of the son of the petitioner for the reason that all along, his academic performance was extremely good and since the internal inquiry is on with regard to fixing responsibility, the petitioner cannot be deprived of his performance. Therefore, this court in the interest of justice, directs the first respondent to eschew the portion of interpolation and value the chemistry script written by the petitioner and award marks and thereafter, this court can pass further orders."

5. Pursuant to this, the papers have been sent by the authority for valuation excluding those questions for interpolation and direction was given to produce the answer sheets of the petitioners in original in sealed covers. Pursuant to the said direction, on 19.12.2016, the revalued sealed covers were brought and this court directed them to produce covering letter to declare the results of the petitioners. Today when the matter is posted, a covering letter was produced by the Deputy Director under which the mark statements were given as follows:

MARK DETAILS

<i>NAME</i>	<i>REGISTER NO.</i>	<i>CHEMISTRY MARKS</i>			<i>MATHEMATICS MARKS</i>	<i>REMARKS</i>
		<i>THEORY</i>	<i>PRACTICAL</i>	<i>TOTAL</i>		
S.MONIKA	295617	115/150	50/50	165/200	185/200	PASS
S.VASANT	296152	70/150	50/50	120/200	121/200	PASS

(MINIMUM FOR A PASS: 70 MARKS OUT OF 200 IN EACH SUBJECT. FOR THE SUBJECTS CONSISTING OF THEORY AND PRACTICAL EXAMINATIONS, MINIMUM MARKS FOR A PASS IS 30 OUT OF 150 IN THEORY AND 40 OUT OF 50 IN PRACTICAL)

6.The above mark details clearly shows that both the candidates have passed both the subjects i.e, Chemistry and Mathematics.

7.In view of the above, this court directs the authority concerned to issue consolidated mark statements of both the candidates viz., S.Monika and S.Vasant, containing all the marks and declaration of their pass results, so as to enable them to continue their further studies. Such mark statements shall be issued within a period of one week. It is also recorded that the original papers produced before this court are returned. The writ petitions are disposed of with the above direction. No costs. The connected miscellaneous petitions are closed.

03.01.2017

Note:Issue copy on 05.01.2017.

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B.RAJENDRAN,J.

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To

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W.P.NOs.38911 and 41351 of 2016

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