IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2017

CORAM

THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.43419 of 2016

N.Firasath Tameem ... Petitioner

Vs

1. University Grants Commission (UGC)
   Bahadur Shah Zafar Marg,
   New Delhi 110 002.

2. The Secretary
   State Eligibility Test (TNSET-2016)
   Mother Teresa Women's University,
   Kodaikanal - 624 102 ... Respondents

Prayer: Writ Petition filed under Article 227 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to award 2 marks to question No.44 in Paper-II of Computer Science and Application, vide Answer Key-03 Computer Science and Application - Paper II, conducted by the second respondent to the petitioner and consequently to issue State Eligibility Test Certificate to enable the petitioner to be eligible for the post of Assistant Professor in Computer Science and Application in Tamil Nadu Universities and Colleges.

For Petitioner : Mr.C.P.Sivamohan

For Respondent-1 : Mr.P.R.Gopinathan

For Respondent-2 : Mr.B.Pugalenthi

WEB COPY

O R D E R

The petitioner is a Post Graduate degree holder in Computer Science and has filed this Writ Petition seeking for issuance of a writ of mandamus to direct the second respondent to award 2 marks to question No.44 in Paper-II of Computer Science and Application, vide Answer Key-03 Computer Science and Application - Paper II, conducted by the second respondent to the petitioner and consequently to issue State Eligibility Test Certificate to enable the petitioner to be eligible for the post of Assistant Professor in Computer Science and Application in Tamil Nadu Universities and Colleges.

https://hcservices.ecourts.gov.in/hcservices/

2. The first respondent-UGC had entrusted to the second respondent Mother Theresa Women's University as Nodal Agency for conducting the State Eligibility Test for determining the eligibility of candidates for the post of Assistant Professor in the Tamil Nadu Universities and Colleges. The second respondent has also conducted the State Eligibility Test on 21.02.2016 for the qualified candidates to the post of Assistant Professor in the Tamil Nadu Universities and Colleges for 25 subjects at various Centres. The petitioner, after writing exams, was waiting for the results, which were announced on 24.10.2016. It is stated that the petitioner was shocked to see the marks awarded to him. While the cut-off marks had been fixed as '198', the petitioner was awarded '196' marks, i.e. 2 marks short of the bench-mark for determination of the eligibility for the post of Assistant Professor.

3. While so, the petitioner has found that with regard to the subject "Computer Science and the Application Paper-II", for question No.44, the multiple choice answers given as A,B,C and D were all wrong. The answer key was also published along with the results by the second respondent. As expected, question No.44, it was stated that none of the answers is correct. Therefore, it was decided that all the candidates should be awarded full marks, or in other words, even if one has attended the said question and answered by choosing any one of the options, the candidates should have been given 2 full marks.

4. It is the case of the petitioner that for the said question No.44, the petitioner had marked the option 'C' as answer, which is wrong. The contention of the petitioner is that when none of the answers given in the multiple choice is correct, it was decided to award two marks for all the other candidates, but the petitioner was not awarded the same. As the petitioner is lacking only two marks so as to compete with the cut-off mark, he sent an e-mail on 25.10.2016 to the second respondent to rectify the mistake in not awarding 2 full marks to the question No.44 and there was no response, even to the subsequent reminders, from the respondent.

5. The second respondent-University has filed its counter stating that the petitioner has come to the Court belatedly (i.e) two months after the publication of results by the second respondent. However, Clause 23 of the Notification for Tamil Nadu State Eligibility Test (TNSET-2016) for the post of Assistant Professor dealing with any grievance with regard to the answer key, which given as under:

> "23. Further, the candidates, having nay grievances with regard to answer key (s) even after declaration of result of TNSET-2016, may send a written request to the Member Secretary,

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/

TNSET 2016, Mother Teresa Women's University, Kodaikanal - 624 101 supporting his/her stand with standard books/literature along with a Demand Draft of Rs.5,000/- in favour of Secretary, Mother Terasa Women's University payable at Kodaikanal within one month from the date of declaration of result on TNSET-2016 examination. The envelope should be marked Grievance Regarding Answer Key(s) of TNSET-2016. The request(s) so received will be placed before the Expert Committee(s) for re-examination of the answer key(s)."

6. From the above quoted Clause 23, it is clear that any candidate who has written the TNSET 2016, having any grievance with regard to answer key, after declaration of the results, has to apply within one month by enclosing Rs.5,000/- with supporting materials for re-consideration by the Expert Committee. Only those candidates who had applied along with requisite fees with supporting materials, alone would be considered by the Expert Committee. Those candidates who have applied beyond the said date, are not entitled for consideration by the Expert Committee. Admittedly, the petitioner herein has not remitted the requisite fees of Rs.5,000/- when he made an application on 28.10.2016. Therefore, the request of the petitioner cannot be considered by the respondent. When there is a delay and latches on the part of the petitioner, the Writ Petition cannot be entertained. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

srn

To

1. University Grants Commission (UGC)
   Bahadur Shah Zafar Marg,
   New Delhi 110 002.

2. The Secretary
   State Eligibility Test (TNSET-2016)
   Mother Teresa Women's University,
   Kodaikanal - 624 102.

+1cc to Mr.C.P.Sivamohan, Advocate, S.R.No.24797

W.P.No.43419 of 2016

KK(CO)
CA(03/05/2017)

WEB COPY
https://hcservices.ecourts.gov.in/hcservices/