



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.06.2017

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

AND

THE HONOURABLE **MR.JUSTICE P.VELMURUGAN**

W.A.(MD) No.827 of 2013

and

M.P.(MD).Nos.1 & 2 of 2013

1. The Government of Tamil Nadu,
Represented by the
Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai.
2. The Selection Committee,
Represented by the Secretary,
No.162, Periyar E.V.R.High Road,
Kilpauk, Chennai - 600 010.
3. The Director,
Directorate of Medical Services,
Main Road, Teynampet,
Chennai.
4. Department of Government Examinations,
Represented by the Secretary,
State Board of School Examinations (Higher Secondary)
Chennai. ...Appellants/Respondents

Vs.

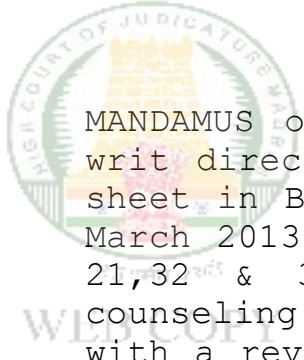
Minor.D.Rebekkal
Represented by her father
and Natural Guardian
Mr.C.Devapirian
Petitioner

...Respondent/

PRAYER: Writ Appeal is filed under Clause 15 of Letters Patent Act against the order, dated 18.07.2013, made in W.P.(MD).No.10603 of 2013.

Prayer in WP(MD). 10603/ 2013 :

<https://hcservices.ecourts.gov.in/hcservices/> Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF



MANDAMUS or any other writ, order or direction in the nature of writ directing the respondents to revalue the petitioner's answer sheet in Biology subject in the Hr.Sec.Public Examination held in March 2013 and award four more marks for Questions in Serial Nos. 21, 32 & 34 and allow the petitioner to participate in the counseling for medical admission in the academic year of 2013-14 with a revised cut off mark and grant her admission to any one of the Medical Colleges under the Single Window of Counselling on the basis of her revised increased cut-off mark and Ranking.

For Appellants : Mr.V.R.Shanmuganathan
Special Government Pleader
For Respondent : Mr.N.Dilipkumar

JUDGMENT

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J**]

Heard Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the appellants and Mr.N.Dilipkumar, learned counsel appearing for the respondent.

2.This appeal, by the Government, is directed against the order passed in W.P.(MD).No.10603 of 2013, dated 18.07.2013, which was filed by the respondent to direct the appellants to revalue the Question Nos.57, 65(a) and 68(a) and awarded revised marks to the petitioner, so as to join the medical counselling for the academic session 2013-2014. Though the writ petition was allowed and the appellants have filed an appeal and during the pendency of the appeal, the order was not implemented and the respondent has now joined the Medical Course in a Private Institution. Thus, therefore, at the instance of time adjudicating the correctness of the impugned order, has become academic.

3.However, the learned Special Government Pleader submitted that the legal position should be answered in favour of the appellant as the Court cannot direct to revalue the Question Nos.57, 65(a) and 68(a) and revise marks since the matter has become academic. We did not propose to adjudicate the legal issue involved and the said issue is left over to be decided by the authorities concerned, as and when a need arises.

4.With the above observations, the writ appeal is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

/True copy/

**To:**

1. The Secretary to Government,
School Education Department,
Secretariat, Fort St.George,
Chennai.
2. The Secretary,
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3. The Director,
Directorate of Medical Services,
Main Road, Teynampet,
Chennai.
4. The Secretary,
Department of Government Examinations,
State Board of School Examinations (Higher Secondary)
Chennai.

+1 CC to M/s.N.DILIPKUMAR, Advocate, SR No. 59149.

DAS/AM

PSM/SKN/SAR1/14.06.2017/3P/6C

W.A. (MD) No.827 of 2013
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