

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 16.02.2018
Pronounced on : 20.03.2018

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.No.438 of 2017
&
C.M.P.No.6521 of 2017

K.Rekha ... Appellant

Vs.

1. The Secretary,
Dept. of Personnel and Administrative Reforms,
Govt. of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Tamil Nadu Public Service Commission,
Represented by its Secretary,
Frazer Bridge Road, VOC Nagar,
Chennai - 600 003. Respondents

Prayer: Writ Appeal is filed under Clause 15 of the Letters Patent, against the order made in W.P.No.28653 of 2016 dated 12.01.2017 by this Court.

WP.28653/2016:Writ petition filed under Article 226 of the constitution of India praying for issuance of a writ of Mandamus directing the respondents to reevaluate the answer papers of the petitioner vide Register No.001051054 of the Main Exam held in June 2015 for the Direct Recruitment to Group-I Services for the year 2013 conducted by the second respondent pursuant to the Notification No.17/2013 dated 29.12.2013 and consequently consider the petitioner candidature for selection.

For appellant : Mr.R.Bharanidharan
For Respondents : Mr.V.Anandhamurthy,
Additional Government Pleader (For R1)
Ms.C.N.G.Niraimathi (for R2)

JUDGMENT

P.VELMURUGAN, J.

The writ appeal is filed against the order dated 12.01.2017, made in W.P.No.28653 of 2016.

2. The brief facts of the appellants' case in the writ petition are as follows :-

The appellant had applied for the post included in Group I Services conducted by the second respondent /Tamil Nadu Public Service Commission (TNPSC). She received the hall ticket with Registration No.001051054 and she cleared the preliminary examination. She has also attended the main examination very well.

3. Since she has not cleared the main written examination, she did not come under the zone of consideration for final selection. According to her, she sent a representation to the second respondent on 03.08.2016 and requested for revaluation of her answer sheets to include her name in the list of selected candidates for the oral interview. She has also sent a petition dated 13.08.2016 under Right to Information Act for getting certain copies of the answer sheets of certain successful candidates by giving their Roll numbers. She further submitted that though she sent several representations to the Chief Minister's Cell, there was no response. The appellant also expressed an apprehension that the second respondent had not published the entire marks of the candidates who undertook the examination and only the marks of the selected candidates have been published. Therefore, she prayed for revaluation of the answer sheets of the main examination held for the direct recruitment of Group I examination for the years of 2012 - 2013 and 2013 - 2014 conducted by the second respondent.

4. The learned Single Judge considered the matter on merits and dismissed the writ petition. Feeling aggrieved, the appellant preferred the appeal before this Court.

5. We have directed the second respondent to file a counter and subsequently, directed to produce the appellant's answer sheets before this Court along with the marks obtained by her in a sealed cover. The same was produced and we have seen the answer sheets and the marks obtained by the appellant.

6. The respondents would contend that the answer sheets of the candidates were subjected to two valuation by two different set of examiners and if the difference of marks between the two valuation exceeds 15%, it will be subjected to third valuation. Insofar as the appellant is concerned, the difference between two valuation did not exceed 15% and therefore, the question of subjecting the answer sheets for third valuation has not arisen.

7. We have perused the answer sheets. We have no reasons to doubt the valuation of answer sheets.

8. In matters regarding valuation, the role of court is very limited. The candidates must demonstrate that serious illegalities have been committed by the examiner, while valuing the papers. The mere allegation is not proof of such illegality or irregularity.

9. Since the appellant has not established that there was an irregularity in evaluating the answer sheets and in the absence of any valid reasons, we cannot direct third valuation.

10. In view of the above discussion, we are of the considered view that there is no merit in the appeal. The order of the learned Single Judge dated 12.01.2017 in W.P.No.28653 of 2016 does not warrant interference.

11. In the result the writ appeal stands dismissed. Consequently, the connected Miscellaneous petition is closed. No order as to costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

vum/tar
To

1. The Secretary,
Dept. of Personnel and Administrative Reforms,
Govt. of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2. The Tamil Nadu Public Service Commission,
Represented by its Secretary,
Frazer Bridge Road, VOC Nagar,
Chennai - 600 003.

+1cc to Mr.R.Bharanidharan, Advocate Sr.No.20811
+1cc to Mr.T.Shanmugan, Advocate Sr.No.20808
+1cc to Government Pleader SR.No.21851

SS(CO)
sm:12.4.2018

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