

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2018

CORAM:

THE HON'BLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.29230 of 2017

P.Meenmozhi

... Petitioner

vs.

1. Government of Tamil Nadu,  
rep. by the Secretary,  
Department of Higher Education,  
Secretariat,  
Fort St. George,  
Chennai 600 009.
  2. The Vice Chancellor,  
Mother Teresa Women's University,  
Kodaikanal - 624 101.
  3. The Member Secretary,  
TNSET 2017,  
Mother Teresa's Women's University,  
Kodaikanal - 624 101.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing and intervening the 2nd and 3rd Respondents to re-evaluate the Petitioner's paper, allot the cut-off marks due to her and include her name in the Qualified and Selected list for Tamil Nadu State Eligibility Test (TNSET - 2017) for Assistant Professor, based on the Petitioner's representations dated 30.09.2017 and 03.10.2017.

For Petitioner : Mr.D.Prabhu Mukunth Arunkumar

For 1st Respondent : Mr.A.Rajaperumal,  
Addl. Government Pleader

For Respondents 2 & 3: Mr.S.R.Rajagopal,  
Additional Advocate General  
assisted by Mr.M.Elumalai,  
Government Advocate

## O R D E R

Petitioner has come up with the present Writ Petition seeking a direction to the 2nd and 3rd Respondents to re-evaluate her paper, allot cut-off marks due to her and include her name in the Qualified and Selected list for Tamil Nadu State Eligibility Test (TNSET - 2017) for Assistant Professor, based on her representations dated 30.09.2017 and 03.10.2017.

2. According to the Petitioner, she is a practicing Advocate graduated with 65% in M.L. (Labour and Administrative Law) in the year 2014 at Tamil Nadu Dr. Ambedkar Government Law College, Chennai. She appeared for the Tamil Nadu State Eligibility Test (TNSET) - 2017 under MBC (Most Backward class)/DNC (Denotified Community) category in the subject of Law, conducted by the 2nd Respondent/University on 23.04.2017, which has been periodically conducted for determining the eligibility for the recruitment of Assistant Professor in Universities and Colleges in Tamil Nadu in relevant subjects as per the norms of the University Grants Commission. The Petitioner secured 186 marks in the said Examination, where 190 was aggregate cut-off marks to qualify for the MBC/DNC category. The exam pattern of TNSET - 2017 for Assistant Professors is objective type and each question carries two marks.

3. After publication of results, when the Petitioner verified the Key answers published by the 2nd Respondent/University in Law-Paper-III and Common Paper-I, she found that several key answers were wrong. According to the Petitioner, five answers, which she has written correctly, have been evaluated wrongly and even in the Key, the answers are wrong. It is her contention that the 2nd Respondent has committed an error in the Examination process, by committing basic fundamental errors. Although, she would get 10 marks, she is running short of just 4 marks to achieve her qualifying aggregate cut-off for MBC/DNC category. In respect of her grievance, the Petitioner sent a detailed e-mail to the 2nd Respondent on 30.09.2017 and thereafter, collected all the required documents and sent the same to the 3rd Respondent through Post along with a detailed representation dated 02.10.2017, seeking to verify the key answers and revalue her answer scripts. Since no action is taken on her representation, the Petitioner is before this Court.

4. Mr.S.R.Rajagopal, learned Additional Advocate General appearing for Respondents 2 and 3 contended that there is delay on the part of the Petitioner in approaching the Court. He further contended that there may be more than one correct answer for a question, but, the Petitioner has not complied with the mandatory requirements as per Clause Nos.22 and 24 of the

Notification for TNSET-2017. For better appreciation, the said Clauses are extracted below:

"22. The captured image of OMR Sheet will be displayed in the website after publication of the result. The answer keys of all the papers will be displayed on the website: [www.tnsetexam2017mtwu.in](http://www.tnsetexam2017mtwu.in) after the examination. The Candidates, who are not satisfied with the captured response, may challenge by filling online application form on the website [www.tnsetexam2017mtwu.in](http://www.tnsetexam2017mtwu.in) by paying a sum of Rs.1000/- per question. The fee can be paid by credit/debit card or net banking. In case, the challenge of any Candidate regarding captured images of response sheets (OMR sheets)/answer keys is accepted, the fee will be refunded to such Candidates. In all other cases, the fee once paid will not be refunded. Mother Teresa Women's University decision on the challenges shall be final and the result will be declared on the basis of final answer keys.

24. Further, the Candidates, having any grievances with regard to answer key(s) even after declaration of result of TNSET - 2017, may send a written request to the Member Secretary, TNSET - 2017, 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 Member Secretary, Mother Teresa Women's University payable at Kodaikanal within one month from the date of declaration of result on TNSET-2017 examination. The envelope should be marked Grievance Regarding Answer Key(s) of TNSET - 2017. The request(s) so received will be placed before the Expert Committee(s). "

5. Learned Additional Advocate General went on to submit that the Petitioner has not remitted any amount towards revaluation and that if her contention is accepted, it would amount to opening the Pandora's box.

6. Prima facie, on going through the Answers given by the Petitioner, as could be seen from the material documents produced, this Court is of the view that the same are correct and the Petitioner is entitled to get marks. Though Clauses 22

and 24 of the Notification does not support the Petitioner, taking note of the exceptional circumstances, as the Answers given by the Petitioner are correct, Respondents are directed to award marks to the Petitioner, for the Answers to Question Nos.58, 67 and 71, in toto, **\*within a period of one month from today** and that the Petitioner's case shall be considered, if she is otherwise found eligible.

7. This Court makes it clear that the decision rendered in this case cannot be taken into account as a precedent, more particularly, in view of the Procedures and Criteria for Declaration of Results that was published in the Notification for Tamil Nadu State Eligibility Test (TNSET - 2018) for Assistant Professor vide UGC Letter F4-2/90 (NET), dated 13.06.2017.

This Writ Petition is disposed of with the above direction and observation. No costs.

Sd/-

Assistant Registrar (CS-IX)

Dated:06/07/2018

\*Amended as per order  
of this Court dated 2/8/2018

Sd/-

Assistant Registrar (CS-IV)

Dated:3/8/2018

//True Copy//

Sub Assistant Registrar

(aeb)

To:

1. The Secretary,  
Government of Tamil Nadu,  
Department of Higher Education,  
Secretariat, Fort St. George,  
Chennai 600 009.
2. The Vice Chancellor,  
Mother Teresa Women's University,  
Kodaikanal - 624 101.

To be substituted the  
order already despatched  
on 09/07/2018

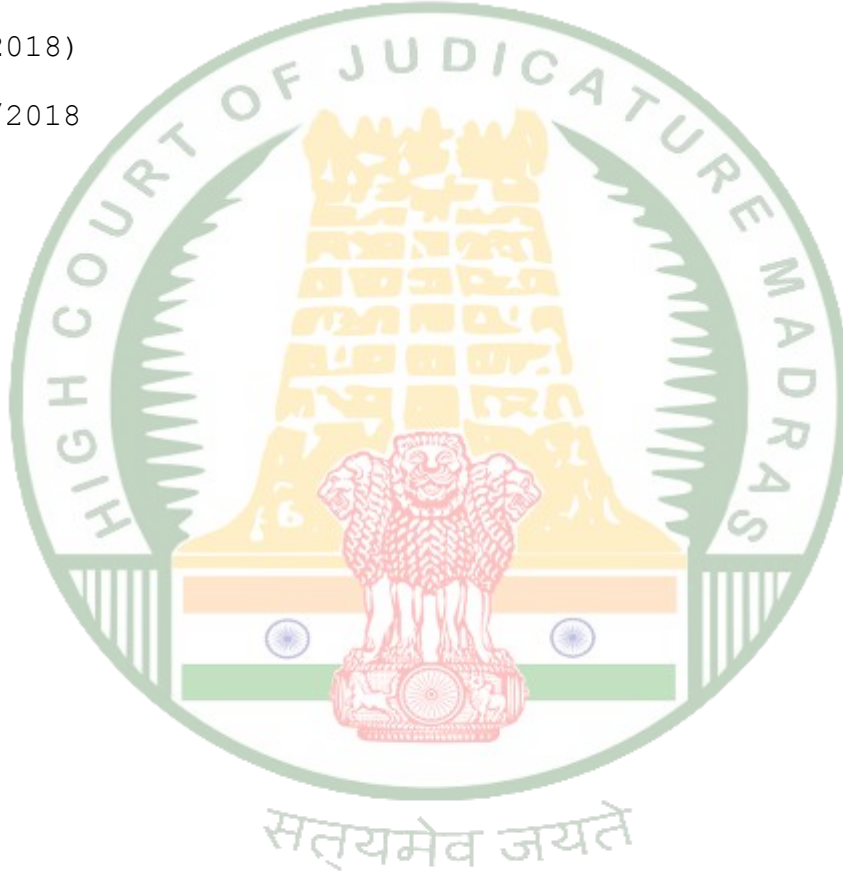
3. The Member Secretary, TNSET 2017,  
Mother Teresa's Women's University,  
Kodaikanal - 624 101.

+1cc to Mr.TRS.MOULIDEVI, Advocate, S.R.No.41599  
+3cc to Mr.D.PRABHU MUKUNTH, Advocate, S.R.No.\***52801**  
+1cc to the Government Pleader, S.R.No. 41362

Order in  
W.P.No.29230 of 2017

TR(06/07/2018)

srg 06/08/2018



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