

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.09.2018

CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P.No.17698 of 2018

S. Mohamed Huzaifa

... Petitioner

Versus

1.The Vice Chairman,
Tamil Nadu State Council for Higher Education,
Neelam Basha Dargapuram,
Triplicane,
Chennai - 600 005.

2.The Member Secretary
TNSET - 2018
Mother Teresa Women's University,
Kodaikanal - 624 101.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the second respondent to grant two marks for the question No. 52 in Paper II, in Mathematical Sciences by marking option 4 also as the correct answer, which has been deprived by the second respondent for non-analyzing at the time of issuing the Answer Key, and Declare the petitioner is qualified in the TNSET - 2018 examination.

For Petitioner : Mr. S. Sundar

For R1 : Ms.V. Annalakshmi

Government Advocate

For R2 : Mr.M.Elumalai

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O R D E R

This Writ Petition is filed for issuance of Writ of Mandamus, directing the second respondent to grant two marks for the question No.52 in paper II, in the mathematical Sciences by marking option four also as the correct answer, which has been deprived by the second respondent and declare that the petitioner is qualified in the TNSET 2018 examination.

2 The brief facts that are necessary in this writ petition, are as follows:

The petitioner had applied for Tamil Nadu State Eligibility Test (TNSET-2018) held in the year 2018 for the Assistant Professor for the subject Mathematics. Having applied for the exam, the petitioner was issued the hall ticket and the centre for examination was allotted at Auxillium college, Vellore. The answer key for the examination held on 04.03.2018 was displayed on the website after completion of the examination on 09.04.2018. The results of the examination were declared on 08.06.2018 at 1.15 p.m. and simultaneously the candidates' OMR sheet was also uploaded. The petitioner stated that on comparison and verification of the petitioner's OMR answer sheet, he was surprised to note that the question No. 52, though was answered correctly by him, two marks were not granted to the petitioner. Hence, the petitioner states that he submitted the representations/letters dated 11.06.2018 and 21.06.2018, but were not considered by the second respondent.

3 The learned counsel for the petitioner states that the petitioner has noticed the mistake only when he received the answer sheet. Since the answer sheet was published only on 08.06.2018. The application was filed by the petitioner without waiting for time and therefore, the petitioner is entitled to get two marks for question No.52.

4 The learned counsel for the respondent however relied upon the revised notification for Tamil Nadu State Eligibility Test (TNSET-2018) for the Assistant professor in the year 2018-2019. The portion which is relevant to this case in the revised notification is extracted below:

"1. After the examination of TNSET 2018, the answer key for all the papers will be displayed on the website: www.tnsetexam2018mtwu.in candidates can send their grievance along with documentary evidences within 15 days after the publication of answer keys for all the papers to tnsetexam2018@gmail.com.

2. After expiry of 15 days, no grievance regarding answer key will be entertained.

3. The grievance will be addressed by experts, and the final/amended answers keys will be uploaded on the website: www.tnsetexam2018mtwu.in . As amended answer key given by experts is final and binding, no

further clarification will be permitted."

5 As per the revised notification, the answer key for all the papers would be displayed on the website and the candidates have to send their grievance along with the documentary evidence within a period of 15 days after the publication of the answer key. It is further clarified that after expiry of 15 days time, no grievance regarding answer key will be entertained. It is the specific case of the respondent that the answer keys were published on 09.04.2018 and that the petitioner has sent a representation only on 11.06.2018 with a delay of nearly two months.

6 The learned counsel for the petitioner further submitted that the carbon copy of the Optical Marking Recognition sheet (OMR sheet) was to be instantly given to the candidate and the requirement is mandatory. Since, the petitioner did not receive the OMR answer sheet to compare the answers with the answer key published by the respondent, it is stated that the delay had occurred and that 15 days time should be calculated from the date of uploading OMR answer sheet.

7 It is therefore stated that the petitioner cannot be blamed for not submitting his representation within 15 days from the date of publication of the key answers. The submission of the learned counsel for the petitioner is not supported by any rule or notification that was issued by the respondent. It is to be seen that every student is expected to know the answer, which he has ticked. If the petitioner has got grievance regarding the key answers, it should be independent and instantaneous. A student can not say that he was waiting for verification of his OMR answer sheet.

8 This court can interpret the notification only on the basis of its contents and not on the basis of the petitioner's perception. The petitioner himself has admitted in his affidavit the relevant dates particularly, the date of his representation. Since the petitioner has not submitted his representation within 15 days from the date of publication of key answers, the petitioner is not entitled to any relief and the Writ Petition cannot be entertained. Hence, this writ petition is dismissed. No costs

Sd/-

Assistant Registrar(CS iv)

//True Copy//

Sub Assistant Registrar

To

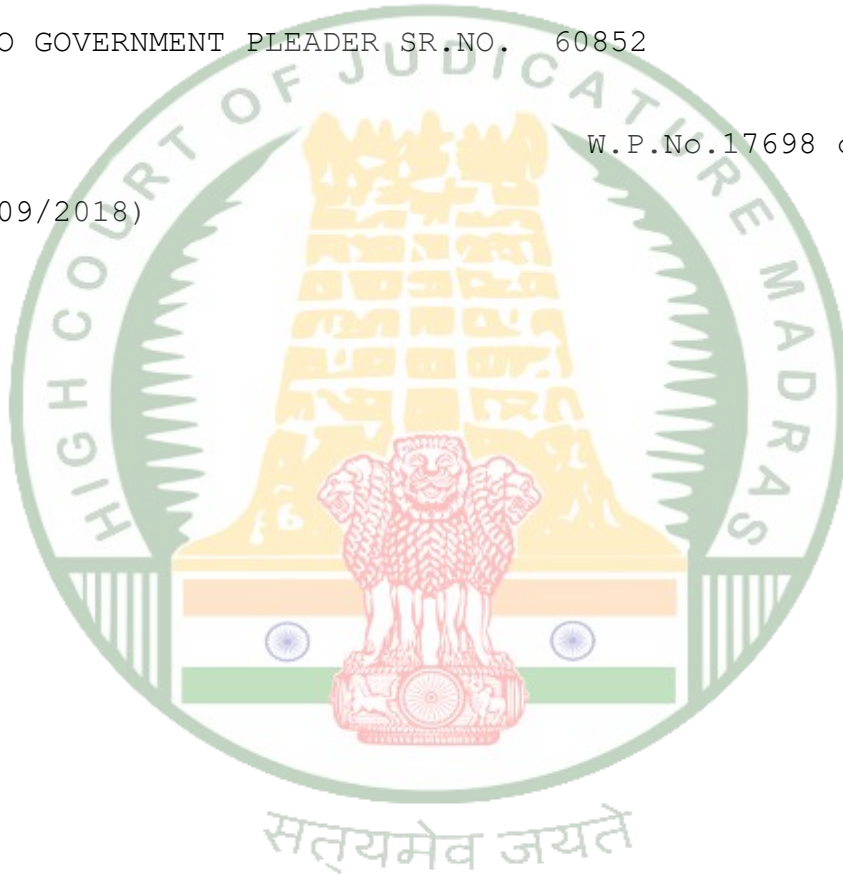
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+1 CC TO GOVERNMENT PLEADER SR.NO. 60852

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ASK(24/09/2018)



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