



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 19.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.A. (MD) No.423 of 2018

P.Kumar

..Appellant

Vs.

1. The Government of Tamil Nadu,
Rep by its Principal Secretary,
Department of Higher Education,
Fort St. George, Chennai-09.

2. The Registrar / Member Secretary,
Tamil Nadu State Eligibility Test (TNSET-2016),
Mother Teresa Women's University,
Kodaikanal-624 101.

..Respondents

PRAYER: Writ Appeal is filed Writ Appeal filed under Clause 15 of the Letters Patent against the order, made in W.P.(MD).No.5262 of 2017, dated 17.01.2018 on the file of this Court.

Prayer in WP(MD). 5262/ 2017 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Mandamus, directing the second respondent to re-value the Question No.5 in Paper -I (General), TNSET - 2016 of the petitioner (Roll Number TNSET153545, Registration Number 2505126) for the recruitment to the post of Assistant Professor held on 21.02.2016 and declare him as a qualified aspirant based on such revaluation by providing 2 marks, by considering the representation of the petitioner dated 03.11.2016.

For Appellant	: Mr.V.Sasikumar
For Respondents	: Mr.B.Pugalendhi
	Additional Advocate General
	assisted by Mr.S.Dhayalan
	Government Advocate

JUDGMENT

[Judgment of this Court was made by **T.S.SIVAGNANAM, J.**]

Heard Mr.V.Sasikumar, learned counsel, appearing for the
<https://hcservices.ecourts.gov.in/hcservices/> appellants and Mr.B.Pugalendhi, learned Additional Advocate
General, appearing for the respondents.



2.This Appeal is directed against the order passed in W.P. (MD).No.5262 of 2017 dated 17.01.2018. The appellant / writ petitioner filed the writ petition to direct the second respondent to re-value the question No.5 in Paper-I (General), TNSET-2016 of the petitioner and to declare him as a qualified aspirant by taking note of the representation of the petitioner dated 03.11.2016.

3.The appellant / writ petitioner has completed M.Sc., (Botany) in the year 2004-06 and thereafter completed M.Phil., in a private college during the year 2009-2010. The appellant / writ petitioner has appeared in the TNSET-2016 and was declared as "passed" in the above said examination. The appellant ought to have secured 198 marks out of 350 for getting selected. The appellant has secured 196 out of 350. The appellant has come forward with the writ petition on the ground that in respect of question No.5, the correct answer has already been given by the University Grants Commission, wherein, a different answer has been mentioned other than the answer given by the respondent and therefore, the respondent should take into consideration the correct answer given by the UGC and the appellant should be awarded two marks. Though it is the contention advanced by the appellant, he was not selected on the ground that the appellant did not comply with the conditions in the notification dated 20.01.2016. Such notification gives an opportunity to the candidate to object the key answer, soon after the key answers were published. The said clause No.23 of the notification dated 20.01.2016 reads thus:-

"23.Further, the candidates, having any grievances with regard to answer key (s) even after declaration of result of TNSET-2016, may send a written request to the Member Secretary, 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 Teresa Women's University payable at Kodaikanal within one month from the date of declaration of result on TMSET-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)."

4.The above opportunity has been given to the candidate to put forth any valid objections with respect to the key answer. Admittedly, the appellant did not follow the above procedure. Therefore, it would be impermissible for the appellant to challenge the same by way of writ petition. Even if he is given with an opportunity, he should remit Rs.5,000/- as required in clause 23 of the notification dated 20.01.2016. The procedure of <https://hcservices.education.gov.in/hcservices> to give objections to the key answer is to ensure the effective selection process. However, such procedure cannot be interfered and if the notification stipulates a



procedure, the same binds the candidates. The appellants cannot challenge the terms of the notification after having participated in the selection. The learned counsel for the appellants sought to make a distinction of case by contending that his objection is not with regard to the mistake in the key answer but to take note of the correct answer as given by the University Grants Commission. If the answer given by the appellant is to be accepted, then it goes without saying that the grievances of the appellant is with regard to the key answer. Thus the writ Court was right in rejecting the prayer sought for by the appellant.

7.Hence, for the above reasons, the writ Appeal fails and dismissed. No costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
Department of Higher Education,
Government of Tamil Nadu,
Fort St. George, Chennai-09.
2. The Registrar / Member Secretary,
Tamil Nadu State Eligibility Test (TNSET-2016),
Mother Teresa Women's University,
Kodaikanal-624 101.

+1cc to The Spl. Government Pleader Sr.No.56787
+1cc to Mr.A.Mohan, Advocate Sr.No.56448

TA

VB/RSK/SAR3/22/05/2018/3P/5C

WA. (MD) No.423 of 2018
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