

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED : 06.07.2018

C O R A M

WEB COPY

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P. (MD) No.14582 of 2018

P.Seenivasan

... Petitioner

Vs.

The Secretary,
Tamil Nadu State Eligibility Test-2016,
Mother Teresa Women's University,
Kodaikanal 624 102.
Dindigul District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned rejection order passed by the respondent in petition No.2017/913898/PK, dated 09.05.2017 through the website in <http://cmcell.tn.gov.in> and quash the same and consequently directing the respondent University to award 2 marks to the question no.5 in paper I, 02-Commerce Subject of TNSET 2016, conducted by the respondent University.

For Petitioner	:	Mr.RM.Arun Swaminathan
For Respondent	:	Mr.B.Pugalendhi
		Standing Counsel

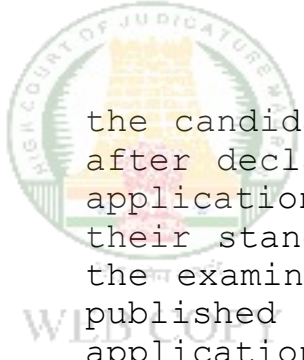
O R D E R

The petitioner has come up with this Writ Petition, to call for the records pertaining to the impugned rejection order passed by the respondent in petition No.2017/913898/PK, dated 09.05.2017, through the website in <http://cmcell.tn.gov.in> and quash the same and consequently directing the respondent University to award 2 marks to the question No.5 in paper I, 02-Commerce Subject of TNSET 2016, conducted by the respondent University.

2. Heard Mr.RM.Arun Swaminathan, learned counsel appearing for the petitioner and Mr.B.Pugalendhi, learned Standing Counsel appearing for the respondent.

<https://hcservices.ecourts.gov.in/hcservices/>

3. As per clause 24 of the Notification for Tamil Nadu State Eligibility Test-2016 for the post of Assistant Professor, in case



the candidates have any grievances with regard to the answer keys after declaration of the result, they are required to make out an application along with Demand Draft of Rs.5,000/-, supporting their stand with standard books/literature. In the instant case, the examination was conducted on 21.02.2016 and the results were published on 24.10.2016. Rule 24 contemplates that such an application should be made within a period of one month from the date of declaration of the results. Apparently, the petitioner has approached this Court after lapse of more than 1 ½ years. When an identical situation came up before the Division Bench of this Court in W.A.(MD).No.423 of 2018, an order dated 19.03.2018, came to be passed with the following observations:-

"...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 providing opportunity 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..."

4. In view of the specific condition in the notifications and in the light of the observations of the Hon'ble Division Bench, I do not find any merits in the Writ Petition to entertain it belatedly.

5. Accordingly, the Writ Petition stands dismissed. No costs.
Sd/-

Assistant Registrar(CS-III)



To

The Secretary,
Tamil Nadu State Eligibility Test-2016,
Mother Teresa Women's University,
Kodaikanal 624 102.
Dindigul District.

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AE/SKN RSK/SAR1/17.07.2018/3P/2C

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