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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED 28.08.2018

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THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.15795 of 2018

and

W.M.P(MD)Nos.14148 and 14149 of 2018

S.Senthilkumar

..Petitioner

Vs

1.The Chairman,
Tamil Nadu Public Service Commission,
V.O.C.Nagar, Park Town,
Chennai - 600 003.

2.The Secretary cum Controller of Examination,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar,
Park Town,
Chennai - 600 003.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned result published by the respondents on 7.3.2018 for the recruitment of the posts included in Combined Civil Services Examination-II(2017-2018) (Non-Interview Post) (Group-II 'A' Service) Service Code No.004 vide Notification No.10 of 2017, dated 27.4.2017 and to quash the same as illegal and consequently direct the respondents to allot excess 1 ½ marks to the Petitioner.

For Petitioner : Mr.M.S.Jeyakarthick

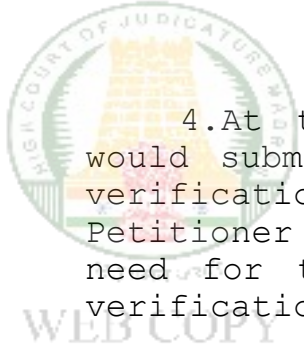
For Respondents : Mr.K.K.Senthil
1 and 2

**ORDER**

The Petitioner has come forward with this Writ Petition seeking to quash the impugned result published by the respondents on 7.3.2018 for recruitment to the posts included in Combined Civil Services Examination-II(2017-2018) (Non-Interview Post) (Group-II 'A' Service) Service Code No.004 vide Notification No.10 of 2017, dated 27.4.2017 and consequently direct the respondents to allot excess $1\frac{1}{2}$ mark to the Petitioner.

2.The case of the Petitioner is that he has completed Diploma in Information Technology in Sowdambiga Polytechnic, Aruppukkottai and thereafter completed B.Tech Information Technology in Kamaraj College of Engineering, Virudhunagar in the year 2017. Pursuant to the Notification No.10 of 2017, dated 27.4.2017 for recruitment to the posts included in Combined Civil Services Examination-II(2017-2018) (Non-Interview Post) (Group-II 'A' Service) Service Code No.004, the Petitioner applied for the same and attended the examination. The petitioner gave correct answers to 157 questions. Apart from 157 questions, the Petitioner had given two correct answers for two questions. But the Commission issued answer key for Beta type question papers and they have given two different answers, which made the Petitioner to submit a representation, dated 15.8.2017. According to the Petitioner, if two questions were taken into account and marks were allotted, the Petitioner would have secured another $1\frac{1}{2}$ marks. For the Gama series question paper issued by the respondents on 6.8.2017, the answer keys published by Beta series on 9.8.2017 was incorrect insofar as the two questions concerned namely, Question Nos.67 and 97.

3.Taking note of the representations from several candidates including the Petitioner, the matter was placed before the experts and the representation of the Petitioner submitted during August 2017 was considered and results were published on 7.3.2018. Only thereafter, the Petitioner's mark reflects as 237. The contention of the Petitioner that he should be given another $1\frac{1}{2}$ marks to ensure that he will be successful in the recruitment process cannot be accepted, as the respondents drew the attention of this Court that the representation made by the Petitioner in the month of August 2017 was considered and thereafter only results were published in the month of March 2018. In view of the same, the Writ Petition challenging the results published by the respondents on 7.3.2018 showing the mark of the Petitioner as 237 seeking fresh statement of marks showing his mark as $238\frac{1}{2}$ marks (i.e., by adding $1\frac{1}{2}$ marks) cannot be entertained. In the event of grant of additional marks, it would amount to giving 3 marks extra, in lieu of $1\frac{1}{2}$ marks, as the respondents have already done the said exercise. Finding much force in the submission made by the learned counsel for the respondents, this Court is of the view that the Writ Petition is liable to be dismissed.



4.At this juncture, the learned counsel for the respondents would submit that the petitioner has been called for Certificate verification on 17.09.2018 followed by counselling. If the Petitioner is found ineligible or unsuccessful, then there is no need for the respondents to call the Petitioner for Certificate verification on 17.09.2018.

5.This Court is of the view that the Writ Petition is liable to be dismissed. Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petitions are dismissed.

Sd/-
Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar(CS-II)

To

- 1.The Chairman,
Tamil Nadu Public Service Commission,
V.O.C.Nagar, Park Town,
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- 2.The Secretary cum Controller of Examination,
Tamil Nadu Public Service Commission,
Frazer Bridge Road,
V.O.C.Nagar,
Park Town,
Chennai - 600 003.

+1CC to Mr.M.S.Jeyakarthick, Advocate, SR.No.81028
+1CC to Mr.K.K.Senthil, Advocate, SR.No. 80803

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ES/SKN/RSK/SAR 2/11.09.2018/3P/5C