



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.01.2018

CORAM:

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.P. (MD) No.5262 of 2017

P.Kumar

... Petitioner

**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:** Petition filed under Article 226 of the Constitution of India 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 within the time frame to be fixed by this court.

For petitioner : Mr.V.Sasikumar

For Respondents : Mr. B.Pugazhendhi  
Additional Advocate General  
assisted by S.Srimathy  
Special Government Pleader

**O R D E R**

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Heard Mr.V.Sasikumar, learned Counsel appearing for the  
petitioner, Mrs.S.Srimathy, learned Special Government Pleader  
appearing for the respondents.



2.The writ petitioner took part in the recruitment process for the post of Assistant Professor, conducted by the second respondent University. He was awarded 196 marks. If he had secured 198 marks, he would have been selected. His grievance is that he was erroneously not awarded two marks for question No.5 in Paper-I (General). The writ petitioner's contention is that the key answer published by the second respondent University is not correct and it varies with the one given by UGC for NEET examination. He therefore submitted a representation asking for awarding the extra two marks. Since his request was not considered, the present writ petition has been filed.

3.The learned Special Government Pleader appearing for the respondents would submit that the prayer of the writ petitioner cannot be countenanced in view of the non-compliance of the requirement set out in Clause 24 of the Notification for TNSET-2016 for Assistant Professor issued by the second respondent University. The said Clause 24 as reads under:-

*"24. 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 TNSET-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 learned Additional Advocate General submitted that admittedly the writ petitioner has not enclosed any proof for having submitted the said representation. Even assuming that he lodged a representation, it is beyond dispute that no Demand Draft for Rs.5,000/- drawn in favour of the second respondent was enclosed.

5.This Court is convinced that the writ petitioner did not fulfil the requirement set out in the above said Clause 24 of the notification. In more or less similar circumstances a learned Judge of this Court dismissed W.P.(MD)No.43419 of 2016 vide order dated 24.04.2017.

6.The writ petitioner who wrote TNSET, 2016, ought to have applied within one month by enclosing a DD for sum of Rs.5,000/- with supportive material for reconsideration by the expert committee. Only if the writ petitioner herein had complied with the said requirement, his case could have been considered. When he



failed to do so, this Court cannot interfere in the matter.

7. Accordingly, this writ petition stands dismissed. No costs.

WEB COPY

Sd/-

Assistant Registrar (AD-II)

/True Copy/

Sub Assistant Registrar

**To:**

1. The Principal Secretary,  
Government of Tamil Nadu,  
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.
- + 1 CC TO Mr.A.MOHAN, ADVOCATE IN SR No. 42585  
+ 1 CC TO Mr.B.PUGALENDHI, ADVOCATE IN SR No. 42700  
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 42714

PNN/KMI

TE/SV-MMS/SAR-2 : 13/02/2018 : 3P/6C

ORDER MADE IN  
W.P. (MD) No.5262 of 2017  
17.01.2018