

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.11.2019

CORAM

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No. 29950 of 2019
and WMP.Nos. 29857 and 29859 of 2019

D.Mohan

..Petitioner

vs

1. The Tamilnadu Public Service Commission
rep. by its Secretary,
Frazer Bridge Road, Chennai-600047

2. The Controller of Examination,
Tamilnadu Public Service Commission,
Frazer Bridge Road, Chennai -600003.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified Mandamus calling for the records pertaining the impugned question paper with answer keys ticked therein and published in respect of paper -2 General Studies by the respondents on 05.09.2019 in the website of the 1st respondent and quash the same and consequently to direct the respondents to revalue the answer sheets of all the candidates based on the correct answer key of 'D' for question no. 78 as well as giving marks to the wrong question no. 39 and to publish in the website of 1st respondent both the initial marks as well as the revised marks of all candidates and thereafter to proceed further to select candidates as stipulated in the said notification.

For Petitioner : Mr.N.Subramaniyan

For Respondents : Mr. M. Loganathan

ORDER

Writ Petition is filed for issuance of a writ of certiorarified Mandamus calling for the records pertaining the impugned question paper with answer keys ticked therein and published in respect of paper -2 General Studies by the respondents on 05.09.2019 in the website of the 1st respondent

and quash the same and consequently to direct the respondents to revalue the answer sheets of all the candidates based on the correct answer key of 'D' for question no. 78 as well as giving marks to the wrong question no. 39 and to publish in the website of 1st respondent both the initial marks as well as the revised marks of all candidates and thereafter to proceed further to select candidates as stipulated in the said notification.

2. The case of the petitioner is that the petitioner has applied for the selection of Junior Scientific Officer in Forensic department pursuant to the notification of the 1st respondent dated 21.06.2019. The petitioner wrote written examination for Chemistry subject and General studies. The question no. 39 and question no.78 and the answer keys furnished are wrong and hence the petitioner challenged same as per the instructions of the TNPSC. Since no action has been taken, the present Writ Petition is filed.

3. Mr. N. Subramaniyan, learned counsel appearing for the petitioner submitted that challenging the question nos. 39 and 78 and the answer keys, the petitioner has made representation to the first respondent and the same was received by them. The learned counsel further submitted that by considering the representation made by the petitioner, the respondents have to be directed to revalue the answer sheets of the petitioner and other candidates based on the correct answer keys and publish in their website.

4. Mr. M.Loganathan, Learned counsel for the first respondent would submit that the representation of the offer has been received by the 1st respondent office on 12.09.2019. The petitioner has challenged 02 answer keys i.e question no. 39 and 78, to be wrong in the tentative answer keys of General Studies (Paper-II). The representations were placed before the expert Committee to obtain final answer keys on 15.09.2019 (i.e question no.39) and 17.09.2019 (i.e question no. 78) respectively, based on the final answer keys furnished by the expert committee the selection will be finalised. The selection process has not been completed.

5. Considering the facts and circumstances of the case and also the fact that the respondent had received the petitioner's representation on 12.09.2019 and the same was placed before the expert committee to obtain its report, I am of the view that without deciding the case of the petitioner, publishing results will deprive the rights of the petitioner as well as other selected candidates. Therefore, I am inclined to issue directions to the respondents to proceed with the selection

process only after publishing the answer keys and marks of the petitioner after obtaining the opinion from the expert committee.

6. With the above directions, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary,
The Tamilnadu Public Service Commission
Frazer Bridge Road, Chennai-600047

2.The Controller of Examination,
Tamilnadu Public Service Commission,
Frazer Bridge Road, Chennai -600003.

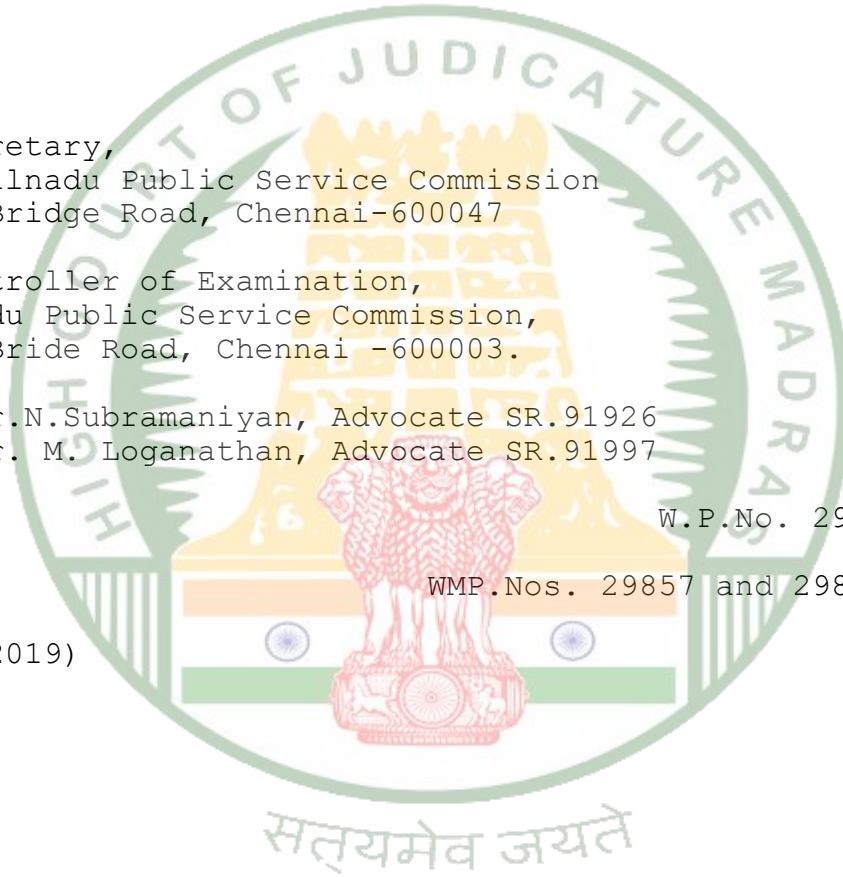
+1cc to Mr.N.Subramaniyan, Advocate SR.91926

+1cc to Mr. M. Loganathan, Advocate SR.91997

W.P.No. 29950 of 2019
and

WMP.Nos. 29857 and 29859 of 2019

RSV (CO)
CB (09/12/2019)



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