



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.06.2019

CORAM

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**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

W.P (MD) No.14478 of 2019

S.Kumaravel

...Petitioner

Vs

1.Tamil Nadu Generation and Distribution Corporation Limited,  
rep. by its Chairman-Cum-Managing Director,  
No.144, Anna Salai,  
Chennai - 600 002.

2.The Secretary,  
Tamil Nadu Generation and Distribution Corporation Limited,  
No.144, Anna Salai,  
Chennai - 600 002.

3.The General Manager,  
HRD, 5<sup>th</sup> Floor, Eastern Wing,  
NPKRR Maaligai,  
No.144, Anna Salai,  
Chennai - 600 002.

... Respondents.

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandmus to call for the records pertaining to the impugned communication in Letter No.Po/Me/Ma.Va.Me/ Thu.Po.Me./Oo.Se.Po/the.Pi/ the.vin/Vi259/ 19, dated 29.01.2019 on the file of the 3<sup>rd</sup> respondent and quash the same as illegal and consequently, to direct the third respondent to reevaluate Departmental Test Paper (Internal Audit Paper -I held on 23.11.2013) of the petitioner bearing Application No.IAO-2013-B-689 within the time stipulated by this Court.

For Petitioner : Mr. S. Louis

For respondents : Mrs.S.Srimathy,  
for M/s. S. Johny Basha  
Standing Counsel

ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned communication in Letter No.Po/Me/Ma.Va.Me/ Thu. Po. Me./Oo.Se.Po /the.Pi/the.vin/Vi259/19, dated 29.01.2019, on the file of the third respondent and quash the same



and consequently, direct the third respondent to reevaluate Departmental Test Paper (Internal Audit Paper -I held on 23.11.2013) of the petitioner bearing Application No. IAO-2013-B-689, within the time frame fixed by this Court.

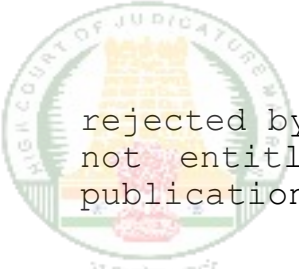
2. Mr. S.M.S. Johny Basha, learned Standing Counsel takes notice for the respondents. By consent, this Writ Petition is taken up for final disposal at the admission stage itself.

3. The petitioner while in the post of Assistant Audit Officer / Audit Branch, in the year 2013, appeared for Departmental Tests conducted by the Department. On passing the said Departmental Tests, the petitioner is eligible for further promotion to the post of Internal Audit Officer. The results of the Departmental Tests were published and the petitioner secured 48 marks out of 100 marks in the Internal Audit Paper - I and 30 marks out of 100 marks in Internal Audit Paper II. In such circumstances, he approached the respondents and obtained the copies of the answer paper on payment of necessary fee and he verified that several answers were not corrected and also marks were provided to him. Hence, he sent a detailed representation, dated 06.01.2018 stating that marks were not given for some of the answers and so he wanted revaluation of the Internal Audit Paper - II. The petitioner's request cannot be considered beyond six months from the date of publication of the result. Challenging the said order, he has filed the present Writ Petition before this Court.

4. The contention of the petitioner in the affidavit is that the results have been published in the month of January 2014 and he has made various representations, dated 24.01.2014, 20.02.2014 and 10.03.2014 to the Chief Internal Audit Officer, Chennai, but, there was no response from the respondents. The petitioner has received some informations under the Right to Information Act, by the communication, dated 10.07.2014 and made a representation, dated 17.11.2014 seeking for revaluation of the answer papers and the same has not been considered. He has also made another representation on 06.01.2018 and another also a reminder on 15.12.2018. Thereafter, the third respondent passed the impugned order, dated 29.01.2019 stating that no queries / enquires regarding the answer papers are entertained beyond six months from the date of publication of the result.

5. I have heard the learned counsel appearing on either side and perused the materials available on record.

6. On a perusal of the impugned order it is found that the respondents considered the petitioner's representations dated 06.01.2018 and 15.12.2018, and in the said representations the petitioner has not mentioned the earlier representations nor placed any materials before this Court to show that the said representations sent to the authorities. Therefore, the representations made by the petitioner in the year 2018 were



rejected by the respondent stating the reason that the petitioner is not entitled to any relief after six months from the date of publication of results.

7. Admittedly, the petitioner was retired from service thereafter, making representations and furnishing the examination papers, for revaluation of answer sheets' is totally not sustainable and there is no prima facie case made out by the petitioner and hence, this Writ Petition is liable to be dismissed. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(AS)

/TRUE COPY/

Sub Assistant Registrar

To

1.Tamil Nadu Generation and Distribution Corporation Limited,  
The Chairman-Cum-Managing Director,  
No.144, Anna Salai,  
Chennai - 600 002.

2.The Secretary,  
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3.The General Manager,  
HRD, 5<sup>th</sup> Floor, Eastern Wing,  
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Chennai - 600 002.

+1 CC to M/s.S.LOUIS, Advocate ( SR-72341[F] dated 28/06/2019 )

W.P (MD) No.14478 of 2019  
28.06.2019

trp  
JM/01.08.2019/3P-5C