

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 12.10.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 23547 OF 2013

AND

M.P. NO. 1 OF 2013

G.Ravichandran

.. Petitioner

- Vs -

Tamil Nadu Public Service Commission
rep. By its Secretary
Frazer Bridge Road
V.O.C. Nagar, Park Town
Chennai 600 003.

... Respondent

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to revalue the question Nos.27, 29, 47, 69, 54, 59, 85, 106 and 151 Booklet Series-D of Examination for the post included in CSSE-1 Services 2010 conducted on 30.07.2011 and retotal the marks awarded in OMR sheet of the petitioner and proceed with selection and allocation of post based on the revaluation and retotalling and consequently direct the respondent to revalue the answer book of the petitioner herein and process the selection proceedings in respect of the petitioner in accordance with the revised marks.

For Petitioner : Mr. P.Arumugavel

For Respondents: Mr. N.Balakrishnan

ORDER

It is the case of the petitioner that she appeared for the posts notified for selection in the Combined Subordinate Services Examination and appeared in the written examination conducted on 30.7.2011 for which the results were declared on 8.6.12. However, the name of the petitioner was not shown in the shortlist. It is the averment of the petitioner that the questions given were wrong and the key answers for more than eleven objective questions were demonstrably erroneous. Due to the error in the questions and also the key answers being wrong, the petitioner did not fall within the zone of selection due to

the sheer negligence of the respondent. In this regard, many aspirants, who wrote the examination, submitted their representation, which was received by the Commission, however, no action was taken on the same, but the respondent proceeded with the valuation of the answer sheets. The inaction on the part of the respondent has robbed the petitioner of her chance in being selected and, therefore, the present writ petition has been filed challenging the impugned questions and key answers and also for a direction to revalue the paper and retotal the marks and consider the candidature of the petitioner for selection and appointment.

2. Learned counsel appearing for the petitioner submits that the questions were wholly wrong so also the key answers, which were brought to the notice of the respondent, which did not elicit any response. However, the respondent went ahead with the valuation and further selected the candidates, which is wholly impermissible and unsustainable and, therefore, he prays for appropriate direction to the respondents to revalue the paper, grant the marks and to consider the candidature of the petitioner for selection and appointment.

3. On the above contentions, this Court heard the learned standing counsel appearing for the respondent who adverted to the detailed counter filed by the respondent and perused the materials available on record.

4. A perusal of the materials available on record reveal that the selection had taken place in the year 2010-2012. However, no interim order has been granted by this Court reserving any post to be kept vacant at the time of entertaining this petition. Though it is the submission of the petitioner that the answers given by him is right for which marks has not been awarded, it is to be pointed out that the issue is a technical issue, which has to be gone into by the concerned authorities at the relevant point of time. After a lapse of seven years, when all the posts have been filled up and no post has been kept vacant and no interim orders were granted in favour of the petitioner, at this distant point of time, after a lapse of seven years, it would not be justifiable for this Court to reopen the selection and render a verdict. The expert opinion as to the answers given in the key answer book cannot be substituted with a judicial opinion as it is within the realm of experts to decide on the answers. Trying to undo a particular selection at this distant point of time would not be in the interest of the persons, who had already been appointed and who have been functioning till date.

5. In such view of the matter, this Court is of the considered opinion that the points canvassed by the petitioner at this length of time cannot be gone into and, accordingly, the

writ petition fails and the same is dismissed. Consequently, connected miscellaneous petitions are closed. There shall be no order as to costs.

Sd/-
Assistant Registrar

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Sub Assistant Registrar

GLN

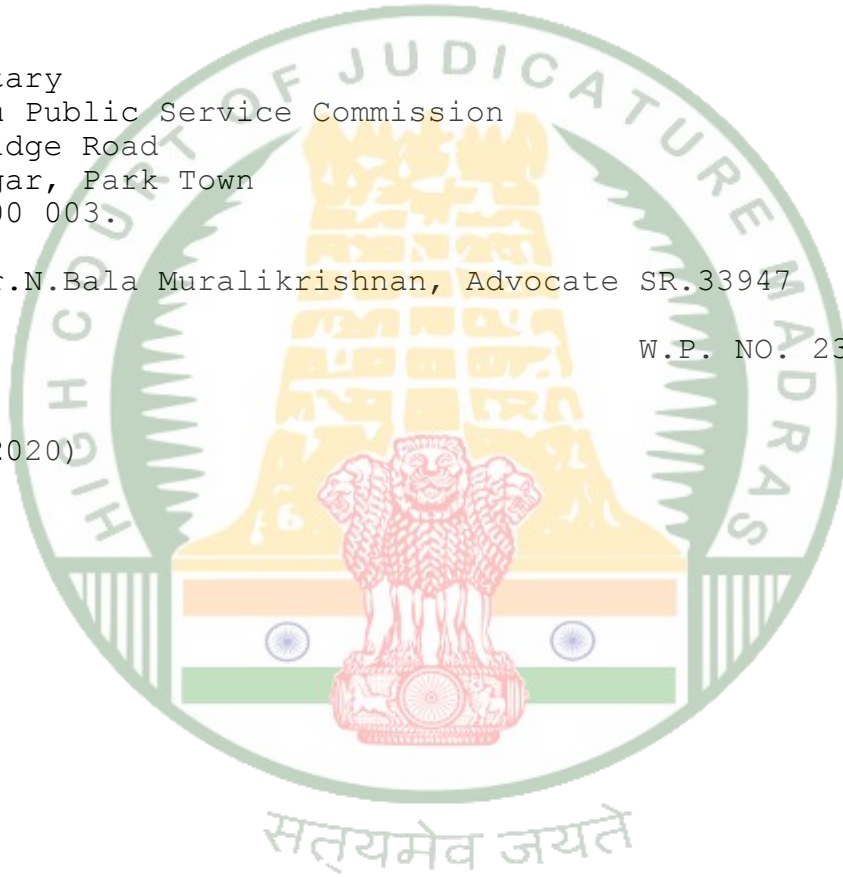
To

The Secretary
Tamil Nadu Public Service Commission
Frazer Bridge Road
V.O.C. Nagar, Park Town
Chennai 600 003.

+lcc to Mr.N.Bala Muralikrishnan, Advocate SR.33947

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