

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.14441 of 2020
and WMP.Nos.17934 and 17933 of 2020

S.Tejaswi

... Petitioner

.Vs.

1. Union of India,
Rep. By its Regional Officer,
Central Board of Secondary Education,
Regional Office,
1630-A, J Block, Anna Nagar (West)
Chennai-600 040.

2. The Director,
Directorate of Technical Education (DoTE)
Tamil Nadu Engineering Admission 2020,
No.53, Sardar Patel Road,
Guindy, Chennai-600 025.

... Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, seeking Writ of Certiorarified Mandamus, calling for the records relating to first respondent's impugned Corrigendum in ref.CBSE/RO(M)/CONF/Re-EVAL/XII/2020, dated 29.09.2020 and quash the same and consequently direct the 2nd respondent to issue a fresh ranking list to the petitioner based on the mark in Mathematics (95 marks) obtained in re-evaluation.

For Petitioner : Ms.Sindhuja

For Respondents : Mr.G.Nagarajan - R1

Standing counsel

Mr.E.Manoharan - R2

Special Government Pleader

O R D E R

This Writ Petition has been field challenging the impugned Corrigendum issued by the first respondent dated 29.09.2020 and for a consequential direction to the second respondent to issue a fresh ranking list to the petitioner based on the marks obtained by the petitioner after revaluation.

2. The case of the petitioner is that she obtained 94 marks in Mathematics paper. Out of 94 marks, the petitioner was originally awarded 69 marks in theory and 19 marks in the internal assessment and six marks were awarded under the head moderation marks. The petitioner applied for revaluation and one more mark was added to her in theory paper and thus, the petitioner secured 70 marks in theory paper. When the petitioner examined the online revaluation status, she found that her marks has been increased from 94 to 95 in mathematics. The grievance of the petitioner is that by virtue of corrigendum issued by the first respondent dated 29.09.2020, the petitioner was informed that there is no change in the total marks obtained by the petitioner in mathematics paper and it continues to be 94 marks and by inadvertent error, it was communicated as 95 marks. Aggrieved by the same, the present writ petition has been filed before this Court.

3. The first respondent has filed a counter affidavit in this case. The relevant portions in the counter affidavit are extracted hereunder:

"It is submitted that all the allegations found in the affidavit under reply are hereby denied. It is pertinent to note that total marks she had obtained in Mathematics was 069 marks in theory. After re-evaluation she had obtained one more mark and total mark she obtained is 070 marks. Insofar as Mathematics subject is concerned maximum theory marks is 080 and the internal assessment mark is 020 and thus that total is 100 marks. In this case the petitioner has obtained internal assessment mark 019 out of 020.

6. It is submitted that however moderation marks are added in each subject due to certain contingencies subject to the maximum of upto 075 marks I.e. total subject marks and adding moderation marks, it is should not exceed the 075. In the petitioner case, the total marks obtained by the petitioner in Mathematics theory papers is 069 out of 080 and after re-evaluation one mark added totaling 070 marks out of 080 marks in the theory subject. Further she had already got 019 marks out of total internal assessment mark of 020. Thus totalling 089 marks. However as already stated Universally all the candidates are awarded upto 013 marks in Mathematics subject to the condition that adding of the moderation marks and the theory marks should not exceed 075 marks and it need not necessarily add entire moderation marks of 013 in mathematics subject. To make it clear the awarding of moderation marks to the candidate may be 03 marks 05 marks 06 marks or entire 013 marks but both the theory marks and adding of moderation marks should not exceed 075 marks.

1. It is submitted unfortunately in the petitioner's case as already stated she got originally 069 marks in Mathematics and awarding 006 moderation marks she got 075 and adding here internal assessment 019 marks totally she was awarded 094/100. However, when she got one more mark in re-evaluation totalling 070 marks, by inadvertent mistake she was awarded the very same 006 moderation marks instead of 005 moderation marks and because of that she was issued the letter showing 095/100 in mathematics subject. I state that on subsequent verification, it was found mistakenly one mark of moderation failed to be reduced accordingly the impugned corrigendum was given rectifying the mistake and informing the petitioner that she has got only 094/100 in the Mathematics subject. Hence, absolutely there is no illegality on the part of the first respondent in issuing the impugned corrigendum.'

4. The learned counsel for the petitioner submitted that the first respondent ought to have put the petitioner on notice before withdrawing one mark from the Mathematics paper through the impugned corrigendum. The learned counsel further submitted that the petitioner had a bright chance to secure an engineering seat in a Government College, if the revaluation marks had been taken into consideration and due to the withdrawal of one mark through the impugned corrigendum, the petitioner was able to secure a seat only under the management quota in a private college.

5. Mr.G.Nagarajan, learned Standing Counsel appearing on behalf first respondent submitted that there is a uniform policy while adding the moderation marks. The learned counsel submitted that this policy is followed for all the students and the petitioner cannot claim for any exemption. The learned counsel submitted that the awarding of moderation marks to the candidate can range 13 marks. But while adding the theory marks and the moderation marks, it can never exceed 75 marks. The learned counsel submitted that in the case of the petitioner, the petitioner was awarded six marks as moderation marks since the petitioner had originally obtained 69 marks in the theory paper. Thus, the petitioner had reached the maximum marks namely 75 marks after the addition of the moderation marks. The learned counsel submitted that if the same moderation marks is to be added to the marks obtained after revaluation, it will exceed 75 marks and it will go against the policy. The learned counsel therefore submitted that this was the clarification that was issued by the first respondent through the impugned corrigendum dated 29.09.2020.

made on either side and the materials available on record.

7 The petitioner had originally obtained 69 marks in mathematics and 19 marks in internal assessment. The Central Board of Secondary Education (CBSE) has a method where they add moderation marks to the candidates. But the policy states that both the theory marks and the moderation marks put together should not exceed 75 marks. This policy is adopted across the Board. Even though the petitioner was awarded one extra mark in the theory paper and her tally was taken to 70 marks, by adding the moderation marks, the total marks goes to 76 marks. This goes against the policy of the CBSE. In other words, the petitioner securing one additional mark after revaluation did not have any impact since the petitioner was able to reach 75 marks only after the moderation marks were added. The case of the petitioner cannot be treated differently and the policy of the CBSE will have to be uniformly applied to all the students.

9. In view of the above discussion, this Court does not find any ground to interfere with the impugned corrigendum dated 29.09.2020 and accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

Sd/-
Assistant Registrar (LA)

//True copy//

Sub Assistant Registrar

To

1. The Regional Officer,
Union of India,
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Regional Office,
1630-A, J Block, Anna Nagar (West)
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