

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.02.2017

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.9129 of 2017 and
W.M.P.No.11057 of 2017

Yesurajan

... Petitioner

Vs.

Tamilnadu Public Service Commission
Rep. by its Chairperson,
Frazer Bridge Road, V.O.C.Nagar,
Park Town, Chennai-3.

... Respondent

Prayer: This writ petition has been filed under Article 226 of the Constitution of India to issue a Writ or order in the nature of a Writ of cMandamus directing the respondent to evaluate the petitioner's answer sheet bearing registration number 20310015, announce the result and consequently consider the petitioner's candidature for employment if eligible.

For Petitioner : Ms.B.Poongkhulali
for Mr.Neha Miriam Kurian

For Respondents : Dr.M.Devendran (TNPSC)

O R D E R

This petition has been filed for direction to the respondent to evaluate the petitioner's answer sheet bearing registration number 20310015, announce the result and consequently consider the petitioner's candidature for employment if eligible.

2. The brief case of the writ petitioner is as follows.

The petitioner is a visually challenged person from the date of his birth. He appeared Group-IV Examination conducted by the Tamil Nadu Public Service Commission on 06.11.2016 and the result was declared on 21.02.2017. When the petitioner has entered his registration number to know his result, he got information that, the petitioner's OMR answer sheet was invalidated due to violation of instructions and

hence it was not evaluated. The plaintiff being a blind person, he cannot make any entries or shade in the OMR sheet. As per the guidelines issued by the Ministry of Social Justice and Development vide office memorandum F.No.16-110/2003-DD.III dated 26.02.2013, the candidates can engage a scribe on their own. But the respondent arbitrarily insisted that the scribe would be appointed from the respondent's panel. Accordingly, the respondent appointed a scribe to the petitioner and such violation of instructions in the OMR sheet could have been committed only by the scribe. Hence, he made a representation dated 01.03.2017 to the respondent to evaluate his OMR answer sheet and to announce the result. But, there is no response from the respondent. Hence this writ petition.

3. The learned counsel appearing for the petitioner submitted that while the petitioner had attended the Group-IV examination, the number of question booklet was not shaded in the answer sheet and such mistake was committed only by the scribe, who was engaged by the respondent. He further submitted that for such mistake committed by the scribe, the respondent denied to evaluate the answer sheet and to announce the result of the petitioner, which is arbitrary.

4. The learned counsel appearing for the respondent submitted that in pursuant to the interim order passed by this court dated 26.04.2017, the respondent evaluated the OMR answer sheet of the petitioner and he secured 91.50 marks out of 300 marks. He further submitted that the cut off marks for selection in the category of BC(G)-blind candidate is 219 marks and hence, the petitioner is not entitled for selection for the post of Junior Assistant under the BC (G)- blind category.

5. At this juncture, the learned counsel appearing for the writ petitioner fairly admitted that the petitioner got employment in the other department. However, she insisted for some direction to the respondent to take immediate decision in the cases of not evaluating the OMR sheet for violation of instructions, such mistakes committed by the scribe, otherwise similarly placed persons like the petitioner would suffer a lot in view of the act of the respondent in agitating the matter for a long period. He also submitted that some of the candidates also suffered for the mistake committed by the scribe.

6. Therefore, by considering the above said fact, it is clear that the respondent has not evaluated the OMR answer sheet of the writ petitioner, within the reasonable time, especially prior to the publication of the final result. In future, this court directs the respondent to take appropriate decision in evaluating the OMR answer sheets, within the reasonable time, without causing any delay.

7. With the above observation, this writ petition is dismissed. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

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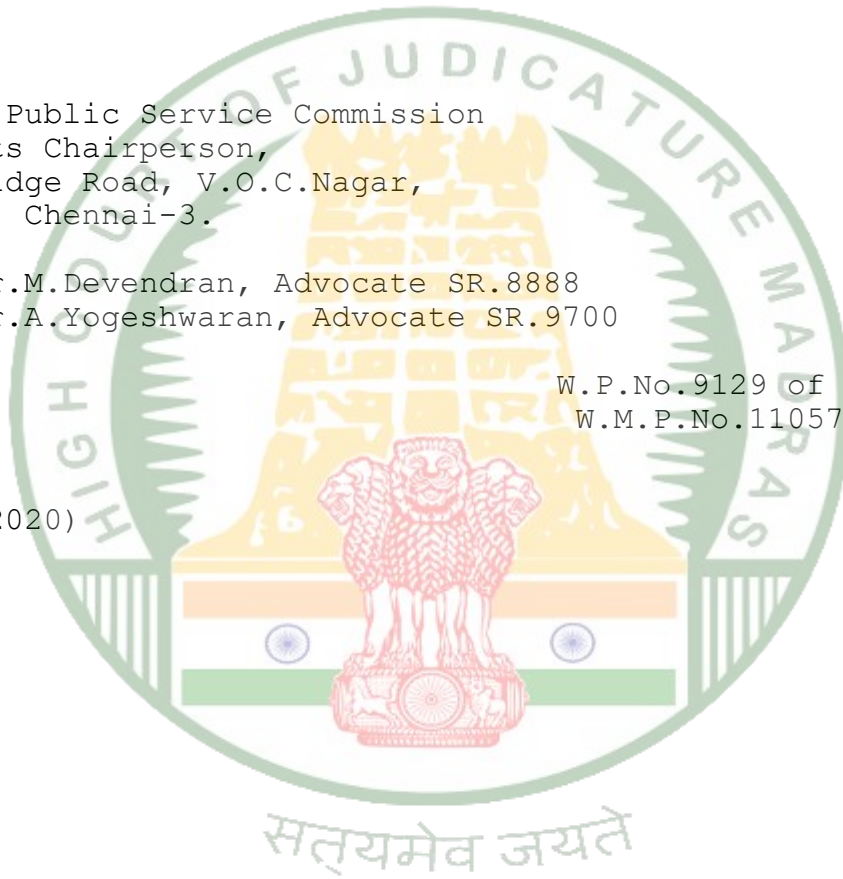
To

Tamilnadu Public Service Commission
Rep. by its Chairperson,
Frazer Bridge Road, V.O.C.Nagar,
Park Town, Chennai-3.

+1cc to Dr.M.Devendran, Advocate SR.8888
+2cc to Mr.A.Yogeshwaran, Advocate SR.9700

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SR(CO)
CB(04/03/2020)



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