



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.08.2020

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

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W.P. (MD) No.9372 of 2020

and

W.M.P. (MD) No.8522 of 2020

S.Balasubramani

... Petitioner

Vs.

1) The Chairman,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai 600 008

2) The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai 600 008

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the 2nd respondent to provide appropriate marks of 50 marks (100 questions x $\frac{1}{2}$ = 50 marks) to the petitioner (enrolment no.2415562) as per the 2nd respondent's final answer key dated 16.03.2020 in the written test in the direct recruitment for the posts of Sub Inspector of police (Taluk, Armed Reserve (Men and Women/ Transgender)) and Tamil Nadu Special Police (Men)- 2019 by duly conducting the evaluation and calculation of marks based on the petitioner's representation dated 19.05.2020 within the time limit that may be stipulated by this Court and consequently to direct the respondents to permit the petitioner to participate in the next level selection process so as to enable him to get selection in the above respondents' recruitment, 2019.

For Petitioner : Mr.M.S.Jeyakarthish

For Respondents : Mr.K.Chellapandian,
Additional Advocate General
Assisted by Mr.K.Mu.Muthu,
Additional Government Pleader



O R D E R

The prayer sought for in this writ petition is for a Writ of Mandamus, seeking for a direction to the 2nd respondent to provide appropriate marks of 50 marks (100 questions x $\frac{1}{2}$ = 50 marks) to the petitioner (enrolment no.2415562) as per the 2nd respondent final answer key, dated 16.03.2020 in the written test in the direct recruitment for the posts of Sub Inspector of Police (Taluk, Armed Reserve (Men and Women/ Transgender) and Tamil Nadu Special Police (Men)- 2019 by duly conducting the evaluation and calculation of marks based on the petitioner's representation, dated 19.05.2020 within the time limit that may be stipulated by this Court and consequently to direct the respondents to permit the petitioner to participate in the next level selection process so as to enable him to get selection in the above respondents' recruitment, 2019

2. The petitioner is one of the candidate, who appeared in the selection process for Sub Inspector of Police by the respondent Tamil Nadu Uniformed Services Recruitment Board. After the selection process was over, the petitioner was not selected, as he got only 49 marks in the written examination. The petitioner's name was not selected for the further process of selection, as he was able to obtain only 49 marks in the written examination out of 70.

3. In this regard, the petitioner, after having obtained the final answer key issued by the second respondent, has verified his answers. Accordingly, it is the contention of the learned counsel appearing for the petitioner that out of 140 questions, the petitioner has answered 100 questions with correct answers. Therefore, if each question will carry 0.5 mark, the petitioner should have been awarded 50 marks. However, the petitioner has only been awarded 49 marks, thereby atleast in two questions, where the petitioner claimed to have answered correctly but has not been awarded marks.

4. In this regard, in order to rectify the same, though the petitioner has made a request to give the OMR coding sheet, in order to verify his answers and in order to make an appeal to the respondents, the same was rejected on 13.04.2020 by the respondents, when a R.T.I. application was made in this regard. Therefore, the petitioner has moved this writ petition with the aforesaid prayer.

5. Mr.K.Chellapandian, learned Additional Advocate General, assisted by Mr.K.Mu.Muthu, learned Additional Government Pleader would submit that, there is no procedure for revaluation of any answer scripts. The only procedure available for those candidates, who have any apprehension over the marks they had obtained is that, they can make an application to the respondents to get the coding sheet and after getting the coding sheet from the respondents, they can verify the marks awarded to them and still, if they feel any discrepancy in the marks awarded, based on such evidence, they can



make an application to correct the marks and in that case, the said application would be considered on merits and if any discrepancy in awarding the marks is found out, that will be rectified then and there.

6. In this context, the learned Additional Advocate General appearing for the respondents has relied upon the order passed in W.P.(MD) No.7607 of 2020 in the matter of **M.Ilayaraja vs. State, Rep., by the Secretary, Home Department and 2 others** dated 20.07.2020 in the said judgment, I had an occasion to consider a similar issue, where I have passed the following order:

"4. However, Mr.K.Chellapandian, learned Additional Advocate General appearing for the respondents would submit that, there is no procedure for revaluation of the answer script but, the only procedure available for those candidates, who have any apprehension over the marks they had obtained is that, they can make an application to the respondents to get the coding sheet and after getting the coding sheet from the respondents, they can verify the marks awarded to them and still, if there is any discrepancy they find, based on such evidence, they can make an application to correct the marks and in that case, if it is found that there is any change in marks, that would be rectified then and there. This is the only procedure available, beyond which, there is no scope for any revaluation, the learned Additional Advocate General submitted.

7. Taking into account of the said procedure being adopted by the respondents, this Court is inclined to dispose of this writ petition with the following observations:

"It is open to the petitioner to make a request or application to the respondents to get the coding sheet and on such request being made by the petitioner, the same shall be considered and the coding sheet shall be supplied to the petitioner, within a period of one week from the date of receipt of the application and on receipt of the coding sheet, it is for the petitioner to verify whether correct marks have been awarded to him or not and if he still finds any discrepancy in awarding of the marks, it is open to him to approach the respondents once again to correct the marks. The petitioner can send his request / application seeking for coding sheet along with a copy of this order and once the said application is made, what has been indicated above shall be scrupulously followed by the respondents."



8.Relying upon the said decision, the learned Additional Advocate General would submit that, similar order can be passed in this writ petition and also if the petitioner is desirous to make an application to get the O.M.R. Sheet, he can do so.

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9. Considering the said submission made by the learned counsel appearing on both sides and taking into account the factual matrix as well as the earlier order passed by this Court, this Court is inclined to dispose of the writ petition with the following order:

"It is open to the petitioner to make a request or application to the respondents to get the coding sheet and on such request being made by the petitioner, the same shall be considered and the coding sheet shall be supplied to the petitioner, within a period of one week from the date of receipt of the application and on receipt of the coding sheet, it is for the petitioner to verify whether correct marks have been awarded to him or not and if he still finds any discrepancy in awarding of the marks, it is open to him to approach the respondents once again to correct the marks. The petitioner can send his request / application seeking for coding sheet along with a copy of this order and once the said application is made, what has been indicated above shall be scrupulously followed by the respondents."

10. With these observations and direction, the writ petition is disposed of. However, there shall be no order as to costs. Consequently, connected W.M.P.(MD) No.8522 of 2020 is closed.

Sd/-

Assistant Registrar (CS-III)

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/ /2020

Sub Assistant Registrar(CS)

Note:In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

- 1) The Chairman,
Tamil Nadu Informed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai 600 008
- 2) The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner of Police Office Campus,
Pantheon Road, Egmore,
Chennai 600 008.

+1 CC to M/s.Special Govt.Pleader (SR-14308[F] dated 18/08/2020)

+1 CC to M/s.M.S. JEYAKARTHIK, Advocate (SR-14285[F] dated 18/08/2020)

Order made in
W.P. (MD) No.9372 of 2020
Dated:17.08.2020

sts

SDS (18.09.2020) 5P-5C