



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **14.10.2020**

CORAM:

THE HONOURABLE MR.JUSTICE **S. VAIDYANATHAN**

W.P(MD)No.14090 of 2020

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G.Ramesh

... Petitioner

Vs.

1.The Joint Director of Higher Education,
Directorate of Government Examination,
Chennai - 600 006.

2.The Chief Educational Officer,
Chief Educational Office,
Opposite Telephone Exchange,
Chinnachokkikulam,
Tallakulam, Madurai - 625 002.

3.The Principal,
Dolphin Matric Higher Secondary School,
Ponmeni, Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the first respondent dated 19.09.2020 in Na.Ka.No.100949/F.3/2020 and quash the same as illegal and consequently directing the respondents to provide a scan copy of an answer sheet for the Economics subject of the petitioner's son namely G.R.Balaji who was applied for his +1 Higher Secondary Examination of the academic year March, 2020 and reevaluate the same within a time frame as fixed by this Court.

For Petitioner

: Mr.S.Sukumar

for Ms.VS.Karthi Associates

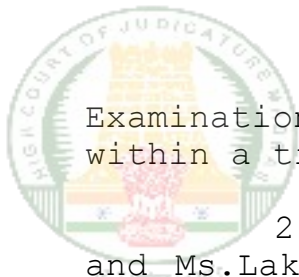
For Respondents

: Ms.Lakshmi Prasanna

Government Advocate

ORDER

This Writ Petition has been field seeking issuance of a Writ of Certiorarified Mandamus calling for the records relating to the impugned proceedings of the first respondent dated 19.09.2020 in Na.Ka.No.100949/F.3/2020 and quash the same as illegal and consequently directing the respondents to provide a scan copy of the answer sheet for the Economics subject of the petitioner's son namely G.R.Balaji who has applied for his +1 Higher Secondary



Examination of the academic year March, 2020 and reevaluate the same within a time frame as fixed by this Court.

2.Heard the learned Counsel appearing for the petitioner and Ms.Lakshmi Prasanna, learned Government Advocate appearing for the respondents.

3.The learned Counsel appearing for the petitioner submitted that the petitioner's son, namely, G.R.Balaji, has taken up Commerce group and appeared for +1 examination for the academic year 2019-2020 in March, 2020. Even though the petitioner's son has scored 506 marks out of 600, he was awarded only 55 marks out of 100 in economics subject. The petitioner submitted that the time prescribed for uploading the application for scan copy of the answer sheet was from 07.08.2020 to 12.08.2020 and he has submitted the application on 07.08.2020 itself with necessary fees before the third respondent and that thereafter, it is for the school to upload the application seeking scan copy of the answer sheet for the student. Unfortunately, the scan copy of the answer sheet could not be downloaded as the application for the scan copy was not uploaded by the third respondent school within the time prescribed. According to the petitioner, the application was rejected on the ground that there was no application seeking scan copy of the answer sheet and that the revaluation cannot be done. On enquiring with the third respondent school, it was informed that they have attempted to upload the application for scan copy but due to connectivity problem, it could not be done. According to the petitioner, the son of the petitioner is a bright student and that his future should not be affected on account of non-evaluation/revaluation of the said paper in economics subject because of the fault on the part of the third respondent school in not uploading the application.

4.Even though the respondents 1 and 2 have not filed counter, a typed set of papers have been filed wherein it has been categorically pointed out by the respondents 1 and 2 that there is a fault on the part of the third respondent school in not uploading the application for scan copy of the student. It is further submitted that in terms of G.O.No.77, School Education (V1) Department, dated 07.05.2001, if there is a delay in making request for scan copy of the answer sheet, it shall not be entertained thereafter. A reading of the Government Order would make it very clear that the application for scan copy should be uploaded within the prescribed time and if the case of the petitioner is allowed, it would amount to opening of a pandora box.

5.It is not in dispute that the petitioner's son is a +1 student during the academic year 2019-2020 and took up his examination in March, 2020 and scored 55 marks out of 100 in economics subject. A glance of the mark sheet would make it very clear that the petitioner's son has scored 506 out of 600 and he scored low marks



only in economics subject. Therefore, there is nothing wrong on the part of the parents to request the students to make an application to get scan copy of the answer sheet for economic subject. The petitioner also submitted the application along with necessary fees on 07.08.2020 itself. But, due to connectivity problem, the application could not be uploaded by the third respondent school. We are in the technological era where everything is done virtually and even the Court proceedings are now being conducted virtually on account of pandemic situation. Therefore, when there is no fault on the part of the student or the petitioner and that the request has been made on 07.08.2020 during the pandemic time and that there was a connectivity problem, there is no justification on the part of the first respondent in depriving the student by refusing to provide scan copy of the answer sheet. If revaluation is done, it will give full mental satisfaction to the students and the parent. Further, no prejudice is going to be caused to the respondents if the petitioner's request is considered and that on technical grounds, the request of the petitioner cannot be thrown to winds. Hence, I am of the view that the plea of the petitioner has got to be accepted. Accordingly, the impugned order passed by the first respondent dated 19.09.2020 is set aside. The first respondent is directed to furnish a scan copy of the answer sheet in economics subject to the petitioner within a period of ten days from the date of receipt of a copy of this order and revaluation could be done within a period of one month thereafter and in any event, not beyond the end of December, 2020. No costs.

Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

To

1.The Joint Director of Higher Education,
Directorate of Government Examination,
Chennai - 600 006.

2.The Chief Educational Officer,
Chief Educational Office,
Opposite Telephone Exchange,
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Tallakulam, Madurai - 625 002.



3.The Principal,
Dolphin Matric Higher Secondary School,
Ponmeni, Madurai.

+1 CC to M/s.GP (SR-20214[F] dated 15/10/2020)

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+1 CC to M/s.V.S. KARTHI, Advocate (SR-20271[F] dated 15/10/2020)

W.P (MD) No.14090 of 2020
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SGS (CO)
KK (16.10.2020) 4P 6C