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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.08.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKESSAVALU

W.P.No.18013 of 2021
and W.M.P.No.19249 of 2021

R.Karthikeyan

...Petitioner

Vs

- 1 The State of TamilNadu
Rep by its Secretary to Government,
Home (Courts-I) Department, Secretariat,
Fort St.George, Chennai-600 009.
- 2 The Registrar General
Madras High Court
Chennai-600 104.
- 3 The Tamil Nadu Public Service Commission
Rep by its Chairman, Park Town,
Tamil Nadu Public Service Commission Road,
VOC Nagar, Chennai - 600 003,
Tamil Nadu.
- 4 The Controller of Examinations
The Tamil Nadu Public Service Commission
Rep by its Chairman, Park Town,
Tamil Nadu Public Service Commission Road,
VOC Nagar, Chennai 600 003,
Tamil Nadu.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents 3 and 4 to revalue Law Paper-I written by the petitioner pertaining to recruitment to the post of Civil Judge in the Tamil Nadu State Judicial Service as per Advertisement No.555/2019 and Notification No.25/19 dated 9.9.2019.

For the Petitioner

: Mr.AR.L.Sundaresan,
Senior Counsel,
for Ms.AL.Ganthimathi



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For the Respondents

: Mr.P.Muthukumar,
Counsel for State,
for R-1

: Mr.B.Vijay,
for R-2

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The petitioner claims that the petitioner was marked unfairly in one of the papers and that has resulted in the petitioner not coming within the zone of consideration to be recruited to the post of Civil Judge in the Tamil Nadu State Judicial Service. The recruitment pertains to the year 2019.

2. The process has been completed and recommendations have been made for giving the appointments. The Government notification in such regard is awaited.

3. According to the petitioner, he fared well in three other papers but obtained 30.25 marks out of 100 in Law Paper-I. The petitioner says that in several cases, particularly pertaining to descriptive answers, the petitioner has been given zero when some marks could have been awarded. The petitioner suggests that it is the cumulative effect of the petitioner not being awarded any marks despite making an attempt to answer several descriptive questions and the answers indicating the petitioner's comprehension of the issue, though sometimes inaccurately, that has prejudiced him. In particular, the petitioner complains of the answers to questions 1, 14, 15, 41 and 42 of Law Paper-I earning the petitioner no marks, even a fraction in any case.

4. In exercise of the authority of judicial review, this court cannot sit in appeal over the wisdom of the examiner. Even though the subject here is law, a subject that the members of this Bench should otherwise be conversant with; the matter is one of principle. The knowledge of Judges cannot be imputed in such a case since it would be dangerous if the subject pertains to astrophysics or rocket science or complex mathematics. What is required to be seen is whether there has been any palpable error in examining the answer or in the marking system. On a reading of the answers to the relevant questions on such basis and without seeking to impute any knowledge of law while making the assessment, it does not appear that the petitioner has been hard done by.

5. At the end of the day, the exercise under Article 226 of



the Constitution has more to do with the decision-making process rather than the decision itself. Since it appears that a fair procedure was followed and the answers furnished by the petitioner appear to have been considered and the relevant answers found unworthy of being awarded any marks, the petitioner may have lost out.

6. There does not appear to be any grave miscarriage of justice or error apparent on the face of the answer-script in the marking of the relevant questions that would excite the Writ Court to interfere with the process. The court wishes the petitioner well and, subject to the age criterion, the petitioner is welcome to participate in the subsequent process. As far as the challenge here is concerned, the same has to be repelled.

W.P.No.18013 of 2021 is dismissed without any order as to costs. Consequently, W.M.P.No.19249 of 2021 is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sra

To:

- 1 The Secretary to Govt. of TamilNadu
Home (Courts-I) Department, Secretariat,
Fort St.George, Chennai-600 009.
- 2 The Registrar General
Madras High Court
Chennai-600 104.
- 3 The Chairman,
Tamil Nadu Public Service Commission
Park Town, Tamil Nadu Public Service
Commission Road, VOC Nagar,
Chennai - 600 003, Tamil Nadu.
- 4 The Controller of Examinations
The Tamil Nadu Public Service Commission
Park Town, Tamil Nadu Public Service Commission Road,
VOC Nagar, Chennai 600 003,
Tamil Nadu.



Copy to:-

The Section Officer,
B Section ,
High Court Madras-104

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+1cc to Ms.AL.Ganthimathi, Advocate, S.R.No.43285
+1cc to the Government Pleader, S.R.No.43429

W.P.No.18013 of 2021

GPL (CO)
CT/03/09/2021