



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 18.03.2021

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. (MD) .No.8607 of 2017

and

W.M.P (MD) No.6532 of 2017

S.Saravanapandi

.. Petitioner

- Vs -

The Secretary,
Tamil Nadu Public Service Commission
Chennai-600 002.

.. Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus, directing the respondent herein to re-evaluate the petitioner's answer sheet by rectifying the wrong key answers assigned to question No.4, 42 and 80 of the questions in the Group-1 preliminary Examination held on 20.07.2014 and to hold the petitioner as having passed in the said examination, thereon to be allowed to write the next coming Group-1 Main Examination.

For Petitioner : Mr.K.R.Laxman
For Respondent : Mr.K.K.Senthil
Standing Counsel

ORDER

It is the case of the petitioner that he is a graduate. The petitioner appeared for Group-I Preliminary Examination conducted by the respondent on 20.07.2014. Though on valuation the petitioner was awarded with 171 marks, however, he was not awarded marks for the correct answers for which he would have got 4.5 marks. The cut off mark for B.C. Category is 172.50 for the eligibility for certificate verification. If the petitioner's answer sheet is revaluated by way of providing marks for all the above mentioned wrong answers, he will be get more marks than the cut-off marks. Since the respondent has not taken any steps, the present petition has been filed for the relief supra.

2. The learned counsel appearing for the petitioner submits that though correct answers have been given by the petitioner,

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however, the answers given in the key answer book is wrong and, thereby, the petitioner has been deprived of ten marks. Therefore, he prays for appropriate direction to the respondents to grant the marks and to consider his candidature for selection and appointment.

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3. On the above contentions, this Court heard the learned Standing Counsel appearing for the respondent and perused the materials available on record.

4. A perusal of the materials available on record reveal that the selection had taken place in the year 2014. However, no interim order has been granted by this Court reserving any post to be kept vacant. Though it is the submission of the petitioner that the answers given by him is right for which marks has not been awarded, it is to be pointed out that the issue is a technical issue, which has to be gone into by the concerned authorities at the relevant point of time. After a lapse of seven years, when all the posts have been filled up and no post is kept vacant and no interim orders were granted in favour of the petitioner, at this distant point of time, after a lapse of seven years, it would not be justifiable for this Court to reopen the selection and render a verdict. The expert opinion as to the answers given in the key answer book cannot be substituted with a judicial opinion as it is within the realm of experts to decide on the answers. Trying to undo a particular selection at this distant point of time would not be in the interest of the persons, who had already been appointed and who have been functioning till date.

5. In such view of the matter, this Court is of the considered opinion that the points canvassed by the petitioner at this length of time cannot be gone into and, accordingly, the writ petition fails and the same is dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

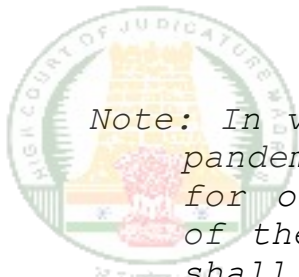
Assistant Registrar (CS-II)

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Sub Assistant Registrar (CS)

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To
The Secretary,
Tamil Nadu Public Service Commission
Chennai-600 002.

+1 CC to M/s.K.K.SENTHIL, Advocate (SR-12315[F] dated 18/03/2021)

+1 CC to M/s.K.R.LAXMAN, Advocate (SR-12580[F] dated 19/03/2021)

**W.P. (MD) .No.8607 of 2017
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