



W.P. No. 22620 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.12.2022

CORAM

THE HON'BLE MR. JUSTICE M.S.RAMESH

W.P. No. 22620 of 2016

and

W.M.P. No. 19296 of 2016

A.Premkumar

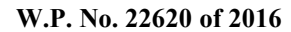
... Petitioner

VS

1. The Secretary,
State School Examinations Cell,
Department of Government Examinations,
Chennai – 600 006.
2. The District Education Officer,
Salem District.
3. The District Elementary Education Officer,
Salem District.
4. The Additional Assistant Elementary Education Officer,
Omalur,
Salem District.
5. The Correspondent,
St. Nicholas Aided Middle School,
R.C.ChettyPatty,
Omalur Taluk,
Salem District.
6. The Headmaster,
Government Boy's Higher Secondary School,
Attur.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for the





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stated that the SSLC mark statement dated 20.07.1997, whereby the petitioner claims to have passed in the English subject by obtaining 41 marks, was not issued from their office and thereafter, have cancelled the marks obtained by the petitioner herein in the re-totaling claimed to have been done at the instance of the petitioner herein. The impugned order further states that whenever re-totaling is sought for by a candidate, the re-totaled marks would be incorporated, along with the marks of the other subjects and the original certificate from which the re-totaling was sought for, would be cancelled.

2. Challenging the proceedings of the 1st respondent herein, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that the petitioner herein has indeed applied for re-totaling of marks in English subject in the SSLC Examination conducted in April 1997 and through a certificate dated 20.07.1997, his marks came to be re-totaled and increased to 41 and thereby, he had passed that Examination. He further submitted that he had made an application under the Right to Information Act, 2005, before the 6th respondent herein with regard to the sanctity of the original mark statement issued on 16.06.1997 and the subsequent mark statement after re-totaling, issued on



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20.07.1997. Since, the Headmaster of the school, where the petitioner herein had written the examination, had certified that he had received both the certificates, an inference requires to be drawn that the mark statement obtained for re-totalling is genuine.

4. Per contra, the learned Additional Government Pleader appearing for the 1st to 4th and 6th respondents, produced an extract of tabulated mark register obtained from the official records maintained by the Department of Government Examinations for the SSLC Public Examination conducted in April 1997, which evidences that the petitioner herein had scored only 21 marks in English (PART – B). These instructions were obtained by the learned Additional Government Pleader pursuant to the orders of this Court dated 11.07.2022, whereby a report as to the actual marks obtained in English by the petitioner herein in the Secondary School Leaving Certificate Examination held in April 1997 was called for to be filed before this Court. When the official records reveal that the petitioner herein has not passed in the English subject for the SSLC Examination conducted in April 1997, no reliance can be placed on the information given by the 6th respondent herein, who is only the Headmaster of the school in which the petitioner herein had written his SSLC Examination. Even according to the 6th respondent herein, it is only certified



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that he was in receipt of two SSLC mark statements dated 16.06.1997 and 20.07.1997, which were received by him. No other information is given with regard to the sanctity of the SSLC mark statement dated 20.07.1997. Thus, this Court is of the view that since the official records do not have any update on the re-totaled marks in the English subject as claimed by the petitioner herein, he is deemed to have obtained only 21 marks in English (PART – B) and hence, has not passed the SSLC Examination.

5. This apart, the learned Additional Government Pleader, on instructions, submitted that whenever a statement of marks is issued by the Department of Government Examinations for SSLC Public Examination for re-totaling, such statement of marks would carry a different certificate number than the one found in the original statement of marks. In the present case, when the petitioner herein had appeared in the April 1997 SSLC Examination and had obtained 21 marks in English subject, the certificate issued to him carried the Serial No. AA4631712. In the certificate produced by the petitioner herein claiming that his marks in English subject were re-totaled and increased to 41, the same Serial No. AA4631712 is found. This apart, the name of the petitioner herein, marks, date of birth, register number, TMR Code, date and the name of the school in which he had written the examination, are all hand written. This



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again, is not in accordance with the practice adopted by the Department of Government Examinations while issuance of certificate. The learned Additional Government Pleader has taken specific instructions and affirms that no hand written certificate is issued by the Department of Government Examinations.

6. The learned counsel for the 5th respondent has submitted that after the impugned order was passed, they had issued a show cause notice to the petitioner herein calling for his explanation. Thereafter, the petitioner herein had neither given any explanation nor had reported for duty, which had prompted them to cancel the petitioner's appointment on 06.07.2017.

7. For all the foregoing reasons, I do not find any reason to interfere with the impugned order and accordingly, the impugned order stands confirmed.

8. Accordingly, the Writ Petition stands dismissed. Consequently, the connected Miscellaneous Petition is closed. No costs.

13.12.2022

vjt
Index: Yes
Internet: Yes
Speaking order



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To

WEB COPY

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M.S.RAMESH, J.

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