



W.P(MD)No.17671 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **25.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.17671 of 2013

S.Petchiyammal

... Petitioner

Vs.

1.The Director of School Education,
O/o. The Director of School Education,
DPI Campus, College Road,
Chennai-6.

2.The Director of Government Examinations,
O/o. The Directorate of Government Examinations,
DPI Campus, College Road,
Chennai-6.

3.The District Collector,
O/o. The District Collector,
Tuticorin District.

4.The Chief Educational Officer,
Chief Educational Office,
Tuticorin District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondent to confer third Rank to the petitioner's daughter in Tuticorin



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District in the Higher Secondary examination conducted in March 2012 in accordance with her re-totaling marks awarded to her within the time stipulated by this Court.

For Petitioner : Mr.T.Lajapathi Roy
For Respondents : Mr.V.Nirmal Kumar
Additional Government Pleader

ORDER

The present writ petition has been filed seeking a writ of mandamus directing the first respondent herein to confer third rank upon the petitioner's daughter in Tuticorin District in the Higher Secondary Examination conducted in March 2012, on the basis of the marks awarded to her in the re-totaling.

2. According to the petitioner, her daughter originally had secured 1168 marks in the Higher Secondary Examination. She applied for re-totaling and she was awarded with 1174 marks. According to the petitioner, the District third rank holder in Tuticorin District had secured 1173 marks only. Hence, the re-totaling marks of the writ petitioner's daughter should be taken into account and the petitioner's daughter



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should be declared as the third rank holder in the District.

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3. The learned counsel for the respondents had submitted that the petitioner had already made a request on 14.09.2012 and the same was rejected by the first respondent on 23.01.2013. The writ petition has been filed only on 25.10.2013. Without challenging the said order of the first respondent herein, dated 23.01.2013, the present writ petition has been filed seeking mandamus as against the first respondent herein.

4. I have carefully considered the submissions made on either side.

5. Though the petitioner's case seems to be meritorious, the petitioner having not challenged the order passed by the first respondent herein, under which the request of the petitioner's daughter for third rank holder of the District has been rejected, the present writ petition for a mandamus is not maintainable. However, the petitioner or the concerned candidate are at liberty to challenge the said order of the first respondent herein, dated 23.01.2013, if they are so advised.



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6. With the above said observations, this Writ Petition is disposed of. No costs.

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Index : Yes / No
Internet : Yes / No

To

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O/o. The District Collector,
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- 4.The Chief Educational Officer,
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R.VIJAYAKUMAR ,J.

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Order made in
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