



W.P(MD)No.9356 of 2020

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:20.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.9356 of 2020

and

W.M.P(MD)Nos.8510 and 8511 of 2020

R.Venkateswaran

... Petitioner

Vs.

1.The State of Tamilnadu,
Rep. by its Secretary,
Department of Personnel and
Administrative Reforms,
Fort St. George,
Chennai.

2.The Tamilnadu Public Service Commission,
Rep. by its Secretary,
TNPSC Road,
V.O.C.Nagar,
Park Town,
Chennai – 600 003.

... Respondents

Prayer:Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned list of register number of candidates selected provisionally for appointment by direct recruitment for the posts included



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in Combined Civil Services - I Examination (Group - 1 Services) 2016-2019 dated 09.01.2020 published by the 2nd respondent in the official website and quash the same as the method adopted for evaluation of answer scripts in the main written examination is illegal, arbitrary and unreasonable and consequently directing the 2nd respondent to re-evaluate the answer scripts of the main written examination in respect of the subjects namely General Studies (Paper -1) , General Studies (Paper - 2) and General Studies(Paper- III) by adopting suitable scientific technique.

For Petitioner	: Mr.B.Saravanan
For R-1	: Mr.G.V.Vairam Santhosh, Additional Government Pleader
For R-2	: Mr.J.Arun Kumar

ORDER

This writ petition has been filed to quash the impugned list of register number of candidates selected provisionally for appointment by direct recruitment for the posts included in Combined Civil Services - I Examination (Group - 1 Services) 2016-2019, dated 09.01.2020, published by the 2nd respondent in the official website as the method adopted for evaluation of answer scripts in the main written examination is illegal, arbitrary and unreasonable and consequently, directing the 2nd



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respondent to re-evaluate the answer scripts of the main written examination in respect of the subjects namely General Studies (Paper -1), General Studies (Paper - II) and General Studies(Paper- III), by adopting suitable scientific technique.

2. The case of the petitioner is that the petitioner appeared for the Combined Civil Services - I Examination (Group - 1 Services) 2016-2019, conducted by the second respondent. Subsequently, the second respondent called for the petitioner to appear for oral test on 28.12.2019. Subsequently, the petitioner was issued with the memorandum, dated 02.01.2020, to attend the counseling for appointment on 06.01.2020. Thereafter, under the Right to Information Act, made an application on 09.01.2020, to furnish the photocopy of the answer sheets. Since no reply was forthcoming, he made an application before the Appellate Authority. Subsequently, the answer sheets were furnished and the same were subjected to evaluation twice by different Evaluators.



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3. The grievance of the petitioner is that the average of two evaluation marks, is being calculated as final mark. According to the petitioner, the method of taking the average of two evaluation marks, is completely flawed and the entire process of evaluation of answer script is illegal. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

4. The learned counsel appearing for the petitioner would submit that the formula adopted by the second respondent to assess the ability of the candidates will defeat the object sought to be achieved and the evaluation of answer scripts in the main examination is in violation of Article 14 of the Constitution of India and as a result, a candidate can lose his opportunity of appointment for want of fraction of marks and therefore, the entire process of evaluation of answer script is illegal and hence, prayed for appropriate orders.

5. The learned standing counsel appearing for the second respondent would submit that the petitioner appeared for the examination



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for Group-I Services and he secured 502.25 marks and last selected candidate, had secured 506.00 in the category B.C(General). Since the petitioner has not secured the qualified marks, his candidature was not considered. Further, the petitioner subjected himself in the selection process accepting the method of awarding the marks. However, after participating in the selection process, he cannot challenge the method of awarding marks and hence, prayed for dismissal of this writ petition.

6. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

7. The grievance of the petitioner is with regard to failure to award the marks in favour of the petitioner. Further, the last successful candidate secured 506.00 marks whereas the petitioner secured 502.25 marks. Aggrieved by the same, challenging the method adopted for awarding the marks, the petitioner has filed this writ petition. However, it is seen that the method of awarding marks is available in the notification itself, but the petitioner did not challenge the notification at



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the threshold.

8. Further, the issue raised in this writ petition is no longer *res integra*. When similar issue came up before the Honourable Division Bench in ***W.A.No.1282 of 2022, dated 01.12.2022(Tamil Nadu Public Service Commission and another vs. M.Aruna and another)***, it has been held as follows:

“21. As regards the second contention of K.R.Kaarthika, the appellant in W.A.No.1710 of 2022, that third valuation should be done unit-wise and not paper-wise does not cut ice with us. In all fairness, only if the difference in the total marks awarded by the 1st examiner and the 2nd examiner for a paper exceeds 15%, can third valuation be ordered as per the procedure being followed by the TNPSC, which cannot be said to be arbitrary and illegal....”



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9. In view of the decision rendered by the Division Bench of this Court in the aforesaid decision, the grievance of the petitioner is misconceived and hence, this writ petition is liable to be dismissed.

10. In the result, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

20.12.2022

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Index:Yes/No

To

The Director of Indian Medicine and Homeopathy,
Directorate of Indian Medicine and Homeopathy,
Arignar Anna Government Hospital and Indian Medicine Campus,
Arumbakkam, Arumbakkam Post,
Chennai – 600 106.

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M.DHANDAPANI, J.

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