



W.P(MD)Nos.17981 and 18456 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 12.08.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.17981 and 18456 of 2022

and

W.M.P.(MD)Nos.13126 13454 of 2022

M.Esakkiraj

... Petitioner in W.P.(MD)No.17981 of 2022

Tamil Nadu Typewriting – Shorthand –
Compute Institutes Association,
Represented by its President,
Soma.Sankar.

... Petitioner in W.P.(MD)No.18456 of 2022

Vs.

1.The Secretary,
Department of Higher Education Technology,
Secretary of Tamil Nadu Government,
St.George Fort,
Chennai – 600 009.

2.The Commissioner,
Department of Technical Education,
53, Sardar Patel Road,
Guindy, Chennai – 600 025.

3.The Additional Commissioner,
Department of Technical Education,
53, Sardar Patel Road,
Guindy, Chennai – 600 025.



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4.The Regional Officer,
Department of Technical Education,
53, Sardar Patel Road,
Guindy, Chennai – 600 025.

... Respondents in both W.Ps

Common Prayer : Writ Petitions filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to rectify the flaws of the digital system of Government Technical Examinations in Commerce Subjects with Notification dated 10.07.2022 passed by the second respondent and direct the petitioner representation dated 04.08.2022.

(In both W.Ps)

For Petitioner : Mr.S.Ponsaravanan

For Respondents : Mr.V.Om.Prakash,
Government Advocate.

COMMON ORDER

Heard the learned counsel on either side.

2.The prayer in these writ petitions is that the defects pointed out by the writ petitioners in the digital system followed in the technical examinations should be rectified. While no exception can be taken to the request of the writ petitioners that the examinations should be conducted flawlessly, the well



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settled principle is that it is left to the competent authority to decide the mode of conducting the tests. Courts ought not to intervene beyond a point in such matters. I am happy to place on record that the respondents treated this issue not as something adversarial in character. Based on the stand taken by the respondents, the writ petitions are disposed of with the following directions :

- a) Digital devices can be employed in the place of dictators for short hand tests.
- b) On the day of examination, the recorded audio files shall be uploaded 30 minutes before the commencement of examination in the concerned server.
- c) To ensure that there is no malpractice, the candidates taking part in the tests shall assemble in the examination hall at the time when the recorded audio files can be downloaded from the server.
- d) The students shall not bring into the examination electronic devices.
- e) The person who will download the audio file using the login I.D and Password shall be prohibited from carrying any electronic device. He shall not be accompanied by any other person when downloading is done.
- f) The downloaded dictation file for the test will be copied into the USB pen-drive.
- g) The Chief Superintendents shall ensure that all the devices are fully charged in advance.



h) The digital device and the USB pen-drive will be handed over to the all Superintendent five minutes before the commencement of the examination.

i) During dictation, the seating arrangements will be in such a manner that all the candidates can hear the audio clearly.

j) The Chief Superintendents should ensure that the candidates in one hall do not hear the dictation going on in the other hall.

k) The issues that crop up during trial dictation must be rectified by the hall Superintendent before the main dictation. The hall superintendent must be sufficiently appraised of the technical aspects.

l) All exam centres shall be monitor by remote accessing at DoTE through CCTV system. The recording done through CCTV monitoring system both audio and video shall be preserved for a reasonable period.

3. These writ petitions are disposed on these terms. No costs.

Consequently, connected miscellaneous petitions are closed.

12.08.2022

Index : Yes / No
Internet : Yes/ No
ias/skm



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G.R.SWAMINATHAN, J.

ias/skm

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