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Writ Appeal No.2914 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 07.07.2023

CORAM

**THE HONOURABLE MR. JUSTICE R.SURESH KUMAR
AND
THE HONOURABLE MR. JUSTICE K.KUMARESH BABU**

**Writ Appeal No.2914 of 2019 &
CMP.No.18850 of 2019**

S.Vignesh ... Appellant

Vs

- 1.The State of Tamilnadu
Rep., by its Secretary,
P & AR Department,
Secretariat, Chennai – 600 009.
- 2.The Tamil Nadu Public Service Commission,
Rep., by its Secretary,
TNPSC Road, VOC Street,
Park Town, Chennai – 600003.
- 3.The Controller of Examinations,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Street,
Park Town, Chennai – 600 003. ... Respondents

PRAYER: Writ Appeal filed under Clause 15 of Letter Patent against the order dated 08.07.2019 made in W.P.No.13346 of 2019.



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For Appellants : Mr.No Appearance

For Respondent : Mr.N.Murali GA for R1
Mr.I.Abrar Md Abdullah for TNPSC

JUDGMENT

(Order of the Court was made by Mr.R.SURESHKUMAR.,J.)

This appeal has been directed against the order passed by the Writ Court dated 08.07.2019 made in W.P.No.13346 of 2019.

2. The appellant was the Writ Petitioner before the Writ Court, he responded to the notification issued by the respondent TNPSC with regard to the Group-I examination by notification dated 03.01.2019. In the preliminary examination, there were 200 questions, each question will carry 1.5 marks totally 300 marks. It is an Optical Mark Recognition system i.e., OMR answer sheet has been given. In this context, it is the case of the Writ Petitioner/appellant before the Writ Court that, there are mistakes in the key answer, therefore on that score, he approached the Writ Court seeking for a Writ of certiorarified mandamus calling for the records of the respondent relating to the issue of final key answers published by the third respondent



and also list of selected candidates provisionally admitted for the main examination.

3. The learned Judge who heard the matter, ultimately found at para 25 of the order that the Writ Petitioner has not reached the zone of consideration for admission in the main examination. The relevant portion of the finding given by the learned Judge reads thus:-

25. In this case, ultimately it is found that the petitioner himself has not secured enough marks in his category to reach the zone of admission for the main examination. Therefore, at his instance, this Court cannot make any further probe into various other allegations raised on his behalf. In any event, admittedly, the Commission itself has identified the defects in the key answers and question and embarked upon to salvage the situation by constituting an Expert Committee. The Committee, after analysis, has recommended for evaluation of those defective question and answer keys and thereafter the marks were added, in pursuance of such recommendation. Therefore, the mistakes which were pointed out by the candidates were accepted and steps were taken immediately to rectify the same and in that process, this Court finds that no injustice has been done to any of the candidates. Hence, this Court is of the view that in the over all consideration of the merits of the case on hand, this Court need not be concerned with a minor infraction in the details submitted by the Commission, since it would not in any way tilt the balance of the case in favour of the petitioner. Therefore, this Court is of the view that the petitioner cannot have a le-



gitimate cause for complaining in regard to the present selection. In the said circumstances, this Court is of the opinion that the petitioner has not made out a case for intervention of this Court and therefore, the writ petition is liable to be dismissed.

4. Therefore, the learned Judge after making some observations and giving directions to the TNPSC to correct themselves in future, has ultimately dismissed the Writ Petition on the aforesaid grounds referred to in para 25 of the order.

5. We have gone through the same and we do not find any error in the said order as admittedly the petitioner/appellant did not reach the zone of consideration even for getting admission in the main examination. Therefore, the other issue raised by the petitioner before the Writ court, since has not been gone into as stated by the learned Judge, hence the appeal fails and accordingly it is dismissed. Consequently connected Miscellaneous Petition is closed. However, there shall be no order as to costs.

(R.S.K.,J.)

(K.B., J.)

07.07.2023



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Index: Yes/No

Speaking Order/Non Speaking Order

Neutral Citation: Yes/No

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