



Rev.Aplw.No.40/2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.S. SUNDAR

AND

THE HONOURABLE MR. JUSTICE RMT.TEEKAA RAMAN

Rev.Aplw.No.40/2023

Mr.E.Ranjith

.. Petitioner

Vs.

1.The Tamil Nadu Public Service Commission
rep.by its Chairman
TNPSC Road, VOC Nagar
Park Town, Chennai 600 003.

2.The Controller of Examinations
Tamil Nadu Public Service Commission
TNPSC Road, VOC Nagar
ParkTown, Chennai 600 003.

... Respondents

Prayer : Review Application filed under Section 114 of CPC to review the order made in WA.No.724/2022 dated 01.12.2022.

For Petitioner

: Mr.G.Sankaran, Senior counsel for
Mr.G.Ilamurugu

For Respondents

: Mr.I.Abrar Mohammed Abdullah
Standing counsel



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ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1)The present Review Application is filed as against the order passed in WA.No.724/2022 with a prayer to review the judgment.
- (2)Mr.G.Sankaran, learned Senior Counsel appearing for the review applicant though referred to the grounds, this Court is unable to find any error apparent on the face of the record to entertain the review application.
- (3)The Hon'ble Supreme Court and this Court, has repeatedly held that a review is not an appeal in disguise and unless there is an error apparent on the face of the record, review application is not maintainable. Even if an error has to be detected by a process of reasoning, review cannot be entertained. This Court is also of the view that this review application does not fall within the scope of Order 47 Rule 1 of CPC.
- (4)The learned Senior counsel submitted that the review applicant was informed by the Tamil Nadu Public Service Commission that the applicant could generate his mark sheet from a website and he came to understand that he had secured 422 marks out of 750. Whereas, the



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official website of TNPSC disclosed that the review applicant secured only 312 out of 750 marks. This discrepancy was considered by the Division Bench while disposing of the writ appeal in paragraph No.10 and the Division Bench has held as follows:-

"10.We also called the answer scripts of both the appellants viz., E.Ranjith as well Dr.S.Sibichakkaravarthy with the key answers. We carefully perused the same and we are satisfied that these two cases are not rare or exceptional cases where a material error has been committed by the TNPSC for ordering revaluation. There is no credible material placed before us to show that the TNPSC website had initially shown that E.Ranjith was awarded 422/750 and later it was changed to 312/750. We went through his answer script and the marks awarded by the two examiner and found that he has been awarded only 312/750 and not 422/750."



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(5) In view of the fact that the Division Bench has referred to the answer sheets and satisfied that the marks awarded to the applicant was only 312/750 and not 422/750 as it was projected by the petitioner/applicant. This Court finds no error.

(6) The next ground pointed out by the learned Senior Counsel appearing for the applicant is that the reference to the 3rd evaluator/examiner should be in respect of every question where the difference in marks awarded to those questions exceeds 15%. This submission was also carefully considered by the Division Bench in paragraph No.8 and it is held as follows:-

"8. From a reading of the above ruling, it is clear that though this Court has the power to order revaluation of the answer scripts, it can be done only in rare or exceptional cases that a material error has been committed? . The contention of the appellants that there should be a third valuation of every question where the difference between the marks given by the two examiners exceed 15% cannot be countenanced since it defies logic and rationality. We find no infirmity in the procedure that was being followed by the TNPSC for over two decades whereby third



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valuation would be done only in cases where the difference in the total marks for a paper awarded by the 1st and 2nd examiners exceed 15%. Just because, for Dr.S.Sibichakkaravarthy for Question No.25 in Paper~I General Studies (Question relates to Mathematics), one of the examiners has awarded 12 out of 15 marks and the other examiner has awarded 0 out of 15 marks, we cannot infer that the entire Paper~I was not properly evaluated. Similarly, in respect of E.Ranjith also, for some questions, one examiner has awarded 0 out 15 marks and the other examiner has awarded some marks. All these isolated differences, in our considered opinion, cannot be a ground for ordering revaluation."

(7) This Court has consciously taken a decision on merits and rejected the contention of the review applicant that the 3rd valuation is required in relation to every question where the difference between the marks given by the two examiners exceed 15%. This Court finds no merit in the review application.

(8) As pointed out earlier, the decision even if it is erroneous, cannot be reviewed by exercising the power under Order 47 Rule 1 of CPC.



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(9)In the result, the Review Application stands **dismissed**.

[S.S.S.R., J.] [T.K.R., J.]
14.02.2024

AP

Internet : Yes

To

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