



W.A(MD)No.19 of 2013

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**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 16.03.2023**

**CORAM:**

**THE HON'BLE MR JUSTICE R. SURESH KUMAR  
AND  
THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

**W.A(MD)No.19 of 2013  
and  
M.P(MD)No.1 of 2013**

M.Ramachandran

... Appellant/Writ Petitioner

.Vs.

1.The Union Public Service Commission,  
Dholpur House,  
Shahjahan Road,  
New Delhi-110 069,  
Rep. by its Chairman.

...1<sup>st</sup> Respondent/1<sup>st</sup> Respondent

2.Under Secretary,  
The Union Public Service Commission,  
Dholpur House,  
Shahjahan Road,  
New Delhi-110 069.

... 2<sup>nd</sup> Respondent/2<sup>nd</sup> Respondent

**PRAYER:** Writ Appeal filed under Clause 15 of the Letters Patent Act, to set aside the order 16.11.2012 passed by this Court in W.P(MD)No.9766 of 2012 and



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allow the writ petition filed by the appellant.

For appellant : Mr.M.Jerin Mathew

For Respondents : No appearance

### **JUDGMENT**

**(Order of the Court was made by R. SURESH KUMAR,J.)**

This Intra Court appeal is directed against the order passed by the writ Court, dated 16.11.2012 made in W.P(MD)No.9766 of 2012.

2. The petitioner/appellant was one of the candidate, who wrote the UPSC Civil Services examination. He written the preliminary examination, which was in objective type and he got through the said examination and passed and he wrote the main examination, which was in descriptive type. He has chosen to write the examination in vernacular language i.e., Tamil.

3. After having written the examination, results were published, where, he fell short by 4 marks to reach the zone of consideration and in order to get the 4



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marks more, it is the apprehension on the part of the petitioner/appellant since answers were made in vernacular i.e., in Tamil, the valuer could not properly valued the answer script because the key answers provided by the UBSC is only in English and Hindi language and not in any other regional or vernacular language. If the key answers are provided by UPSC in vernacular languages i.e., 22 languages, which were permitted to be used by the candidates, such an effective valuation could be made. Therefore, in order to provide answer key, even for descriptive type of examination by the UPSC in all the languages and if that is given, certainly, the appellant/petitioner could have improved and definitely could have earned higher percentage of marks by thus, he would have got through the main examination also and with that apprehension and reason, the appellant had approached the writ court by filing writ petition challenging the rejection order made in this regard by the UPSC, dated 25.06.2012.

4. Considering the said writ petition, the learned Single Judge of this Court had rejected the said writ petition saying that, first of all, the examination was conducted in objective type and therefore, answer must be one and the same, merely because, the key answers are provided only in English and Hindi and not



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in vernacular language, the one word answer in objective type would not be changed. That was the main reason given by the learned Judge and the learned Judge also has gone through the reasoning given by the UPSC/respondent, where, in the impugned order before Writ Court, they found no other error of any kind and no answer was left unvalued and there was no totalling error, therefore, the grievance made out by the petitioner/appellant does not appear to be well founded on facts. Accordingly, the learned Judge dismissed the said writ petition, which is impugned herein.

5. Assailing the said order, Mr.M.Jerin Mathew, learned counsel appearing for the appellant would submit that, during the pendency of the writ appeal though the appellant has subsequently been selected in Grade-I service of Tamil Nadu and is working, he might not shown any interest as for a long time, he has not contacted him.

6. Be that as it may, in the interest of any such candidates, like, the appellant herein, at-least, in future, the UPSC to come forward to give the answer key in all languages even for descriptive type and that would be greatly helpful



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to those candidates, who chosen to write the main examination in their own language, therefore, to that extend, learned counsel for the appellant seeks indulgence of this Court.

7. Even though, notice has been served on the respondents/UPSC and their names have been printed in the cause list, so far, no one appeared and there is no representation for the respondents.

8. Insofar as the grievance of the petitioner/appellant in this case is concerned, it will have the larger connotation as to whether the plea raised by the petitioner/appellant to get answer key for the descriptive type examination in all vernacular languages other than the English and Hindi, whether it is feasible to be complied by the UPSC is a question to be decided, for which, the able assistance of the UPSC is required, however, unfortunately, no one has appeared before this Court despite the notice having been served on him.

9. In view of the above, since the issue raised in this writ appeal is a larger issue, which can be decided at later point of time at an appropriate place as the



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appellant himself has subsequently been selected in the State service and there been happily settled in his job, by recording the said development, we are of the view that this writ appeal can be closed without expressing any view about the plea raised by the petitioner/appellant as well as the reasons given by the learned Single Judge in rejecting the writ petition filed by the petitioner/appellant.

10. Accordingly, the Writ Appeal is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

**[R.S.K.,J.] [K.K.R.K.,J.]**  
**16.03.2023**

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**R. SURESH KUMAR, J.**  
**and**  
**K.K.RAMAKRISHNAN, J.**

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**JUDGMENT MADE IN**  
**W.A(MD)No.19 of 2013**

**16.03.2023**