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W.P.(MD)NO.15126 OF 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.04.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.15126 of 2020 and
W.M.P.(MD)Nos.12733 & 12734 of 2020

Devakani Packiavathy

... Petitioner

Vs.

1. The Tamil Nadu Public Service Commission,
Rep. by its Secretary,
Omandurar Government Estate,
Mount Road, Chennai.

2. The Government of Tamil Nadu,
Rep. By its Secretary to Government,
Home Department,
Fort St. George, Chennai.

3. The Controller of Examination,
TNPSC,
Frazer Bridge Road,
Park Town, Chennai.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Notification no. 5/2019 of the 1st respondent dated 22.01.2019 and consequent publication of the result dated Nil. in their website, validating the descriptive paper and quash the same as unconstitutional and illegal and consequently



direct the respondents to consider the petitioner's candidature for the post of Assistant System Engineer(ASE) and for the post of Assistant System Analyst (ASA).

For Petitioner : Mr.A.Rajini

For R-1 & R-3 : Mr.J.Anand Kumar,
Standing Counsel.

For R-2 : Mr.G.Suriyananth,
Additional Government Pleader.

* * *

ORDER

Heard the learned counsel appearing for the writ petitioner and the learned Additional Government Pleader appearing for the second respondent and the learned Standing counsel appearing for respondents 1 and 2.

2. The writ petitioner applied in response to the notification issued by the Commission calling for applications for the post of Assistant System Engineer and Assistant System Analyst. The petitioner took part in the written examination held on 07.04.2019. It comprises two objective type papers and one descriptive type paper. The petitioner was



not selected. She was disqualified, since her answer sheets were invalidated. Challenging the said decision of the Commission, the present writ petition came to be filed.

3. The learned counsel appearing for the writ petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to set aside the impugned order and grant relief as prayed for.

4. The Tamil Nadu Public Service Commission filed counter affidavit and the learned Standing counsel took me through its contents. Following the direction given by this Court, the original OMR answer sheets written by the petitioner were produced before this Court in a sealed cover.

5. The learned Standing counsel submitted that the impugned decision of the Commission does not call for any interference.

6. I carefully considered the rival contentions and went through the materials on record.



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7. To satisfy my conscience, I directed the learned Standing counsel to produce the original OMR answer sheets written by the petitioner. It was produced before this Court in a sealed cover. It is seen therefrom that the petitioner had used pencil. She had also used both Blue as well as Black inks. This runs counter to the instructions issued by TNPSC to the candidates. Clause 1 of the Hall Ticket states that the applicants should read and follow the instructions given under paragraph No.22. The instructions to the applicants is available in the Commission's web site. It reads as follows:-

“2. Your application to this examination is purely provisional, subject to outcome of verification of documents and other details corresponding to your claims made in your online application.

3. No applicant will be allowed to enter the examination hall after 30 minutes of the commencement of the examination.

4. The applicant should bring the Memorandum of Admission (Hall ticket) to the



Examination Hall without fail. No candidate will be permitted to appear for the examination without a valid hall ticket pertaining to this examination.

5. Applicant should use Blue or Black Ball Point pen only. Except memorandum of Admission (Hall Ticket) and the specified Ball point pen, nothing should be brought inside the examination hall.

6. Applicants are not allowed to bring Pager, Cellular Phones, Calculators and Watches and Ring with built in Calculator / Memory Notes, Books, Notes, Covers, Handbags, etc. or any other Electronic Device or Recording Device either as separate piece or part of something used by the applicant to the Examination Hall.

7. If the Photo of the Applicant printed in the Memorandum of Admission (Hall Ticket) is not found (Blank) or not clear or does not match with applicants photo, he / she should



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furnish a separate photo affixed on a plain paper, by writing his / her Name, Address, Register Number duly signed by him / her and got attested by a Government Officer belonging to Group 'A' or 'B' who knows him / her personally and handover it to the Chief Invigilator. Xerox copy of Memorandum of Admission should also be enclosed for reference. Such candidates have to bring their original Voter's ID / Aadhaar Card / Driving License and it should be shown to the room invigilators for verification. He / she should also give an undertaking to the Chief Invigilator that he / she is a genuine applicant and aware that he / she is liable for criminal / penal action by the Commission, if the information furnished by him / her is found to be incorrect on a future date.

8. In the exam hall, you will supplied preprinted OMR answer sheet with your Register number, Name, Photograph, Subject



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code and Exam venue name as appearing in your Hall ticket. As soon as you received your OMR answer sheet, you have to verify your photo and the details printed on it and ensure that the OMR answer sheet belongs to you. If any detail found to be incorrect, it shall be reported to the Room Invigilator immediately.

9. Applicants are advised to be present at the examination venue at 09.00 AM for checking by the officials concerned whether they are in possession of mobile phones, electronic gadgets, valuable items etc. and after that, be sealed in their respective allotted seat by checking the register number mentioned on the table with that of the hall ticket.

10. Parents / others who accompany the candidates will not be permitted inside the examination venue. Hence, applicants are instructed not to bring cellular phones / electronics gadgets / valuable items etc. to the



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examination venue. If anything is lost, the Commission or the Chief Invigilator will not be responsible for the same.

11. After closure of examination, applicants have to fill and shade the total number of answer fields left blank on the boxes provided at side 2 of OMR answer sheet. An extra time of 5 minutes will be given to specify the number of answer field left blank.

12. Applicant should shade the answers only in the OMR answer sheet. Do not tick-mark or mark the answers in the Question Booklet and failure to comply the instructions will render him liable for such action or penalty as the Commission may decide at their discretion.

13. Applicant will be supplied with Question Booklet 10 minutes before commencement of the examination. Before writing and shading the Question Booklet number in the OMR Answer Sheet, applicant



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should verify and ensure that the subject of question paper supplied to them are as appear in the Hall Ticket. He should also check all the questions are there in Series without any omission and there are no blank pages in Question Booklet. In case, if any defect is found, it shall be reported to the invigilator immediately and get it replaced with a complete Question Booklet.

14. Applicant must fully satisfy themselves about the accuracy of the answer before darkening the appropriate bubble, as change of answer is not allowed. Use of eraser or while fluid on the OMR answer sheet is not permitted.

15. Penalty for violation of Commission's instructions in the Objective type examination

(I) Invalidation of Answer sheet

(a) Usage of ink pen other than blue or black ball pen.



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(b) Usage of pencil.

(c)Answered in a subject other than the one opted in the application / specified in the hall-ticket / Answer sheet.

(d) The answer sheet will be invalidated, if the box for Question Booklet series is not shaded or incorrectly shaded and could not be identified even by physical verification of the answer sheet.

(II) Deduction of marks

(a)Two marks will be deducted for incorrect shading or absence of shading of Question Booklet Number.

(III) Criminal Action

Applicants should maintain strict discipline not only in the examination hall, but also inside the campus of the examination venue. Applicants found smoking or found inebriated, or found to have entered into quarrel of any kind, or misbehaved with the chief invigilator or with the inspection



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authorities or with invigilator or with any other applicant who has come to write the examination, either in the examination venue or inside the campus of the examination, either before or during or after the examination, are liable for severe action including appropriate criminal action.

(IV) Debarment

(a) Copying from another applicant in the examination hall.

(b) Permitting others to copy from his answer sheet.

(c) Copying from books or notes which are printed / Typewritten / hand written etc.

(d) Seeking the help / assistance of any official / hall supervisor in answering question in examination hall.

(e) Carrying the answer sheets without handing it over to the invigilator.

(V) Invalidation of answer sheet / debarment



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Possession of electronic devices such as cellular phone, watches and Ring with inbuilt memory notes, etc. or any other electronic device and non electronic devices such as P & G Design Date Book, Books, Notes, Handbags etc.”

8. When the instructions clearly stipulate that the applicant should use only any one of the two colours (ie.) black or blue, usage of both would lead to invalidation of the answer sheets. I personally went through the answer sheet of the writ petitioner. It is seen that the petitioner had used both Blue as well as Black inks. She had also used pencil. The Tamil Nadu Public Service Commission rightly invalidated the answer sheets. No interference is called for.

9. This writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

26.04.2023

NCS : Yes / No
Index : Yes / No
Internet : Yes / No
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W.P.(MD)NO.15126 OF 2020

To:

The Secretary to Government,
Home Department,
Fort St. George, Chennai.



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G.R.SWAMINATHAN,J.

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