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WP(MD)No.20135 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**WP(MD)No.20135 of 2023
and
WMP(MD)No.16598 of 2023**

Vinayagamoorthy

... Petitioner

v.

1.The Joint Director of Examinations
(Higher Secondary),
Directorate of Government Examinations,
Door No.16, College Road,
DPI Campus, Thousand Lights West,
Chennai – 600 006.

2.The Chief Educational Officer,
Madurai.

3.The Principal, The TVS School,
TVS Nagar, Madurai – 625 003.

4.The Commissioner of Police,
Madurai City.

... Respondents

(R4 suo motu impleaded vide
order dated 25.08.2023)

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus to call for the
records relating to the impugned memo dated 28.06.2023 in Na.Ka.No.



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026088/F2/2022 issued by the first respondent and quash the same and consequently, directing the respondents to issue twelfth standard mark statement of the student, xxxxxxxx (Roll No.....) within a time frame that may be fixed by this Court.

For Petitioner : Mr.Prabhu Rajadurai

For Respondents : Mr.Veerakathiravan,
Additional Advocate General
assisted by Mr.S.Ra.Ramachandran
Additional Government Pleader

ORDER

The petitioner's son studied in the third respondent school. He wrote the higher secondary public examination in March / April 2023. When the answer sheets pertaining to the subjects, namely, Maths, Physics and Chemistry were evaluated, the evaluator felt that there was something amiss. He lodged a complaint with the authorities concerned. An enquiry was conducted. The original answer sheets were shown to the student himself. The petitioner's son admitted that the handwriting found in the said answer sheets was not his. It is beyond dispute that the particulars set out in the answer sheets related only to him and not to any other candidate. The first respondent came to the conclusion that malpractice was committed. It was therefore proposed that the petitioner's son should be debarred for a period of



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five years. Explanation was also sought. The petitioner's son has since given his explanation. He also parallelly challenged the memo dated 28.06.2023 issued by the first respondent proposing the aforesaid penalty.

2.This writ petition was taken up along with WP(MD)No.21905 of 2023. The Hon'ble Judge who heard the cases felt that the issue called for a deeper probe. Shri.Shanmugam, the Assistant Commissioner of Police, Special Intelligence Cell, Madurai City conducted the investigation. He has since filed the status report. I went through its contents. I am satisfied that interference is not warranted in the matter. The impugned notice shall not be treated to be an expression of any final opinion or finding as against the student. The learned counsel for the petitioner submitted that the candidate was not a party to the malpractice. It is for the candidate to satisfy the first respondent in this regard in the summary enquiry to be conducted by him. Personal enquiry shall be held on 09.11.2023 at 03.00 P.M in the office of the first respondent. The candidate's reply and explanation shall be properly considered. It is for the first respondent to take a call in the matter. The first respondent shall pass final order on merits and in accordance with law on or before 30.11.2023. If the penalty to be imposed by the first respondent is disproportionate, it is open to the candidate to move this Court again for relief.



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3. Only pursuant to the direction given by this Court, police investigation was conducted in the matter. The status report reveals the existence of a much larger network. What has happened shocks the court's conscience. Exam irregularities cannot be condoned. They will have to be dealt with an iron hand. I, therefore, direct the Joint Director of Examinations (Higher Secondary), Chennai to immediately lodge formal information in this regard before the Assistant Commissioner, City Crime Branch, Madurai City. FIR shall be registered thereon. After the FIR is registered, it shall be forwarded to the Additional Director General of Police, CBCID, Chennai. The said authority shall nominate an officer for conducting investigation. Appropriate instruction and guidance shall be given. The investigation officer shall take into account the status reports filed before this Court. Final report shall be filed before the jurisdictional court within a period of six months. Shri. Shanmugam, Assistant Commissioner of Police, Special Intelligence Cell, Madurai is called upon to hand over all the relevant records to the Assistant Commissioner, City Crime Branch, Madurai.



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4.This writ petition is dismissed. No costs. Connected miscellaneous petition is closed.

30.10.2023

Index : Yes / No
Internet : Yes / No
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G.R.SWAMINATHAN, J.

SKM

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