



W.P(MD)No.8528 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.06.2023

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.8528 of 2017 and
WMP(MD) No.6500 of 2017

- 1.A.Bharatha Vaishnavi (Minor),
Through her Mother and Guardian,
A.Premalatha.
- 2.R.Mahalakshmi (Minor),
Through her Mother and Guardian,
R.Selvi.
- 3.K.S.Santhoshi (Minor),
Through her Father and Guardian,
K.S.Srinivasan.
- 4.N.Tharani (Minor),
Through her Father and Guardian,
BA.Navasakthi.
- 5.J.Mubin Mutajbegam (Minor),
Through her Mother and Guardian,
J.Janndul Berthous.
- 6.M.S.Nandhini(Minor),
Through her Father and Guardian,
M.S.Subramanian.



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- 7.V.Mithuna(Minor),
Through her Father and Guardian,
M.Vaikundam
- 8.P.Soundhariya (Minor),
Through her Father and Guardian,
J.Pandi Saravanan.
- 9.M.Swathisarana (Minor),
Through her Mother and Guardian,
K.Jothirani
- 10.S.Rithik (Minor),
Through his Mother and Guardian,
S.Indumathy.
- 11.K.Shivi Dharshini (Minor),
Through her Father and Guardian,
K.Kathirvel.
- 12.A.Mohammed Fazil (Minor),
Through her Father and Guardian,
M.Aniba.
- 13.S.Varun Prakash Raj (Minor),
Through her Father and Guardian,
A.Sundarraaj.
- 14.G.Jyothika (Minor),
Through her Father and Guardian,
V.Govindan.
- 15.J.Jaicey Cathorine (Minor),
Through her Grand Father and Guardian,
A.Francis.



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16.G.Vanmathi (Minor),
Through her Father and Guardian,
G.Gnanagurusamy.

17.V.P.Thillai Mageshwari (Minor),
Through her Father and Guardian,
M.Velmurugan.

18.R.Harsini (Minor),
Through her Mother and Guardian,
R.Bama.

...Petitioners

Vs.

1.State of Tamil Nadu,
Rep by its Principal Secretary to the Government,
Department of School Education,
Fort St.George,
Secretariat,
Chennai – 9.

2.The Director of Examinations,
College Road,
Chennai – 600 006.

3.The Chief Educational Officer,
O/o the Chief Educational Officer,
Madurai.

4.The District Educational Officer,
O/o the District Educational Officer,
Melur,
Madurai District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution



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of India, praying this Court to issue a Writ of Mandamus, directing the respondents to award one mark to the question No.14 in A Type/question No.16 in B Type in the Biology (Part II Zoology) Subject in the Higher Secondary Examinations, March 2017, within the time period stipulated by this Court.

For Petitioners : Mr.S.Rajasekar
For Respondents : Mr.P.T.Thiraviam
Government Advocate

ORDER

This writ petition was filed by the minor petitioners, who are eighteen in numbers, through their natural guardians for a Mandamus, seeking a direction to the respondents to award one mark to the petitioners for the question No.14 in A Type/question No.16 in B Type in the Biology (Part II Zoology) Subject in the Higher Secondary Examinations conducted in March 2017.

2.The case of the petitioners is that the petitioners have appeared for the Higher Secondary Examination conducted by the respondent Board in the month of March 2017 and in the said examination, question No.14 in A Type/question No.16 in B Type in



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the Biology (Part II Zoology) Subject are identical questions. The question was an objective one and that question reads as follows:-

"In a new born child, the water content is _____ of body weight".

The answer given for the above question in the text book is 85% to 90%. However, the said correct answer was not provided in the question paper. The correct answer fixed by the Board for the given question at the time of valuation was Option A. However, answer A as well as D are close to the correct answer i.e 85% to 90%. According to the petitioners, question paper has not been properly prepared and therefore, they approached this Court seeking for one mark for the question No.14 in A Type/question No.16 in B Type in the Biology (Part II Zoology) Subject.

3.The learned Government Advocate appearing for the respondents on instructions fairly submits that the issue has already been decided by the Division Bench of this Court in WA No. 565 of 2017, wherein, this Court has held as follows:-

“9.A perusal of the documents filed in the typed set



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of papers reveals that as per the text book, the correct answer is 85% to 90%. Such being the case, apart from option (a) 80-90%, even option (d) – 80-95% is also the nearest option. Therefore, in our considered view that there is ambiguity as answer. The writ petitioner cannot certainly be penalised for the same. However, in our considered opinion, one mark has to be awarded to a candidate, who has selected even wrong option though not the nearest in view of the opinion of the Key Answer Preparation Committee on this issue.

10. We make it easy to the State to award one mark for the said question uniformly to all those who applied for revaluation invariably without expecting nearest answer to be marked.”

4. The above Judgment is squarely applicable to the present case and the petitioners are also entitled for one mark for the question No.14 in A Type/question No.16 in B Type in the Biology (Part II Zoology) Subject in the Higher Secondary Examinations, held on March 2017.



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5. Accordingly, this writ petition is allowed. No Costs.

Consequently, connected Miscellaneous Petition is closed.

12.06.2023

NCC : Yes / No.

Index : Yes / No.

Internet : Yes / No.

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To

1. The Principal Secretary to the Government, S
Department of School Education,
Fort St. George,
Secretariat,
Chennai – 9.

2. The Director of Examinations,
College Road,
Chennai – 600 006.

3. The Chief Educational Officer,
O/o the Chief Educational Officer,
Madurai.

4. The District Educational Officer,
O/o the District Educational Officer,
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B.PUGALENDHI, J.

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W.P(MD)No.8528 of 2017 and
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