



WEB COPY



WP(MD)No.21905 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.10.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

**WP(MD)No.21905 of 2023
and
WMP(MD)No.18276 of 2023**

XXXXXX

... 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 District Educational Officer
(Private Schools),
Madurai District, Madurai.

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

... Respondents

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 with the notice of the 1st respondent made in Na.Ka.No. 026088/F2/2022 dated 28.06.2023 and quash the same as it is arbitrary and



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illegal and in consequence to direct him / her to issue the petitioners provisional mark statement within a reasonable time to be fixed by this Court.

For Petitioner : Mr.R.Suriya Narayanan

For Respondents : Mr.Veerakathiravan,
Additional Advocate General
assisted by Mr.S.Ra.Ramachandran
Additional Government Pleader for R1 to R3

Mr.S.Ramesh for R4

ORDER

The petitioner studied in the fourth 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 petitioner himself. The petitioner admitted that the handwriting found in the said answer sheets were not his. It is beyond dispute that the particulars set out in the answer sheets related only to the petitioner and not to any other candidate. The first respondent came to the conclusion that malpractice was committed. It was therefore proposed that the petitioner should be debarred for a period of five years. Explanation was also sought from the petitioner. The petitioner has since



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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.20135 of 2023. The Hon'ble Judge who heard the cases felt that the issue calls 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. It is for the first respondent to take a call in the matter. If the penalty to be imposed by the first respondent is disproportionate, it is open to the petitioner to move this Court again for relief.

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

19.10.2023

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

SKM

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