



WEB COPY



W.P.No.12671 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.06.2024

CORAM :
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN

W.P.No.12671 of 2024

B. Sivasankaran S/o. S. Baskaran

... Petitioner

Vs.

1. The Registrar General,
High Court, Madras – 600 104.
2. The District Judge / Registrar (Recruitment),
Madras High Court, Madras – 600 014.
3. The Principal Secretary to Government,
Public (Special.A) Department,
Secretariat, Fort St. George,
Chennai – 600 009.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd respondent communication in R.O.C. No.58089-A/2022/JRC, dated 27.03.2024, quash the same and consequently direct the 1st and 2nd respondents hereinto re-valuate the main examination answer

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sheets i.e., Law Paper-I, Translation and Essay Writing, Law Paper-II and Judgment writing by adopting Moderation Technique enumerated in ***Sanjay Singh and another vs. U.P. Public Service Commission*** and pass such further or other orders.

For Petitioner : Mr.V.Ayyappa Raja

For Respondents : Mr. B. Vijay [for R1 & R2]

Mr. S. John J Raja Singh,
Additional Government Pleader,
[for R3]

ORDER

(Order of the Court was made by **S.M.SUBRAMANIAM,J.**)

The writ on hand has been instituted challenging the communication issued by the 2nd respondent on 27.03.2024 stating that the request of the petitioner for revaluation cannot be entertained.

2. Mr.V.Ayyappa Raja, learned Counsel appearing on behalf of the



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petitioner would submit that the petitioner has an apprehension that his answer sheet was not valued properly. Therefore, he has submitted an application for revaluation. Sine it was rejected, the present writ petition came to be instituted. The Hon'ble Supreme Court of India in the case of ***Sanjai Singh and another Vs. U.P.Public Service Commission*** reported in (2007) 3 SCC 720 granted the benefit of revaluation and the said benefit is to be extended to the petitioner by considering the relief sought for in the present writ petition.

3. Each recruitment process has its own set of Rules, terms and conditions. By relying on the Supreme Court Judgment in one case of the year 2007, now the petitioner cannot seek the benefit of revaluation, which is of no avail to him. The process of recruitment underwent many changes and the terms and conditions stipulated in the recruitment notification are binding on the candidates. Therefore, the Judgment of the Hon'ble Supreme Court of India is of no avail to the petitioner as the recruitment notification issued in the present case would reveal that condition has been stipulated that "*Request for re-evaluation and re-totalling of marks in the answer sheets of the*



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preliminary examination and main examination will not be entertained."

The said condition stipulated in the recruitment notification was accepted by the candidates including the petitioner and after participating in the examination, the petitioner cannot turn around and submit an application seeking revaluation, which is not entertainable. Uniformity in the matter of following the conditions as per the recruitment notification is of paramount importance. Courts granting relief on misplaced sympathy in such cases, would set out a bad precedent and it will open pandora's box and many such similarly placed candidates also will be tempted to file writ petition seeking revaluation of their respective answer sheets. Therefore, Courts are expected to be cautious, while entertaining such writ petitions seeking relief, which all are running counter to the terms and conditions and the Rules stipulated for recruitment process.

4. Rules and conditions stipulated for selection are to be scrupulously followed both by the candidates and by the competent Authorities, while conducting the process of selection. Any leniency or misplaced sympathy would result in mis-carriage of justice. Thus, the relief as such sought for in the present writ petition is not entertainable, in view of the



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conditions stipulated in the recruitment notification, which was accepted by the petitioner. Consequently, the Writ Petition stands **dismissed**. No costs.

J.]

[S.M.S., J.] [C.K.,

20.06.2024

Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
veda

To

1. The Registrar General,
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