



W.P.No.16038 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.16038 of 2024

Rajarajacholan

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Petitioner

Vs.

1. Chairman

Tamil Nadu Public Service Commission
Chennai.

2. The Secretary

Tamil Nadu Public Service Commission
VOC Nagar, Park Town
Chennai – 600 013.

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Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus, directing the respondents to consider the petitioner's representation dated 16.04.2024 to conduct reassessment of my examination in the aforementioned examination centre.

For the Petitioner : Mr.S.Surya
for M/s.A.S.Kalasam and Associates

For the Respondents : Mrs.Hema
Standing Counsel



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ORDER

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The prayer of the petitioner is to direct the respondents to consider the representation dated 16.04.2024.

2. The grievance of the petitioner in the said representation is that the petitioner is a differently-abled person, suffering 60% hearing impairment, while so, he took part in the written examination conducted pursuant to the Notification No.3/2022 (Group 2) dated 23.02.2022. When the written examination was conducted, as far as the petitioner's centre is concerned (Adaikalamatha Polytechnic College, Vallam, Thanjavur), wrong set of question papers were sent to the said centre. On account of which, the respondents had to rush the correct set of question papers, which resulted in an hour's delay in starting the morning session of the examination.

3. While so, without even giving a proper lunch break and time to even use the restroom, immediately, within ten minutes, the examination for the second session was commenced. Even



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though the petitioner wrote the paper reasonably well and was expecting selection, however, when the results were now published, after a period of two years, it is seen that as far as the second session is concerned, the petitioner has scored only 69 ½ marks out of 300 marks and therefore, he is not selected. According to the petitioner, only on account of the error which is committed on behalf of the respondents, the petitioner could not perform well in the examination. Therefore, he is requesting reassessment in the examination.

4. I have heard *Mr.S.Surya*, learned counsel appearing on behalf of the petitioner, who would reiterate the very many submissions made in the affidavit filed along with the writ petition and would strenuously contend that the opportunity given to the petitioner is unfair and the petitioner, who wrote the examination in the said centre alone was discriminated, while the other candidates had proper breathing time and the selection is unfair and would not stand the test of Articles 14 and 16 of the Constitution of India.



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5. *Mrs.Hema*, learned Standing Counsel, taking notice for the respondents, opposes the prayer of the petitioner and would submit that there is no provision for reassessment.

6. I have considered the submissions made on either side and have perused the material records placed before this Court.

7. Even though the petitioner, to an extent, may be right in contending that there was hardship to the petitioner on account of the delayed supply of the question paper and not granting enough lunch time to the petitioner, still, the Court would have come to the rescue of the petitioner or any other candidates had the representation was made the very next date. The respondents could have very well been directed to re-conduct the examination at the relevant point of time, so that the candidates like the petitioner would have got ample time.

8. On the other hand, the petitioner chose to remain silent and only in the year 2024, when the results are published and when



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the petitioner does not come within the zone of consideration, he is now raking up the said issue.

9. Therefore, on account of the delay, also considering the marks of the petitioner and also considering the fact that it is not as if without any break the second session was conducted, but it was conducted with a short break of ten to fifteen minutes, I am of the view that the matter does not call for any interference by this Court at this belated point of time. In view thereof, the present writ petition stands dismissed. There shall be no order as to costs.

20.06.2024

Neutral Citation : Yes/No

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To:

1. The Chairman
Tamil Nadu Public Service Commission
Chennai.
2. The Secretary
Tamil Nadu Public Service Commission
VOC Nagar, Park Town, Chennai – 600 013.



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D.BHARATHA CHAKRAVARTHY,J.

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