



WEB COPY



W.P.No.21523 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.07.2024

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

W.P.No.21523 of 2024
and
W.M.P.No.23491 of 2024

P.Yuvasree

... Petitioner

Vs.

1. The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, V.O.C.Nagar,
Park Town,
Chennai - 600 003.
2. The Registrar General,
High Court of Madras,
Chennai - 600 104.
3. The Registrar (Recruitment),
High Court at Madras,
Chennai - 600 104.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the 1st respondent to re-evaluate the petitioner's Law Paper in the examination conducted by the 1st respondent on



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04.11.2023 afternoon (Register No.0101001080) with reference to its Notification dated 01.06.2023 *vide* notification No.12 of 2023 and consequently, select the petitioner to the post of Civil Judge.

For Petitioner : Mr.R.John Joseph

For R1 : Mr.R.Bharanidharan
Standing Counsel for TNPSC

For R2 & R3 : Mr.B.Vijay

ORDER

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

The writ of mandamus has been instituted to direct the first respondent to re-evaluate the petitioner's Law Paper in the examination conducted by the 1st respondent on 04.11.2023 with reference to its Notification No.12 of 2023 dated 01.06.2023.

2. It is not in dispute that the Recruitment Notification dated 01.06.2023 in clear terms stipulates that "Request for re-evaluation and re-totalling of marks in the answer sheets of Preliminary Examination and Main Examination will not be entertained." Therefore, there is no provision under the Notification to re-evaluate or re-total of marks in the answer sheets.

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3. Mr.R.John Joseph, the learned Counsel appearing on behalf of the petitioner would submit that the petitioner has written correct answer for certain questions and no marks are awarded. In this context, he relied on the Judgment of the Supreme Court in the case of ***Ran Vijay Singh and Ors. v. State of Uttar Pradesh and Ors.*** reported in ***(2018) 2 SCC 357***, wherein the Supreme Court carved out a principle that "If a Statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any "inferential process of reasoning or by a process of rationalisation" and only in rare or exceptional cases that a material error has been committed." In the very same Judgment, the Apex Court held that "If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it."

4. In the present case, admittedly, the Recruitment Notification in clear terms stipulates that request for re-evaluation and re-totaling of marks in the answer sheet in the preliminary or main examination will not be



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entertainable. In the absence of any such facilities to the candidates, the learned Counsel for the petitioner would urge this Court that there are material errors.

5. In this context, para.24 of the affidavit filed by the petitioner in support of the writ petition would indicate that main examination answer sheets were issued to the petitioner on 13.07.2024 and the same was reviewed by the petitioner, he found that in Law Paper-I, for question nos.3,4,9, 26, 27 and 34, the petitioner was granted either less marks or no marks.

6. Mr.B.Vijay, learned Counsel who takes notice for the respondent 2 and 3 would oppose by stating that the marks were awarded to question Nos.3, 4, 9, 26 and 27. In respect of Question No.34, zero mark was awarded to the petitioner.

7. Mr.R.Bharanidharan, the learned Standing Counsel who takes notice for the first respondent/Tamil Nadu Public Service Commission would also reiterate that the marks were awarded. Therefore, the petitioner cannot raise a ground that no marks were awarded to these questions.



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To

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S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.

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