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W.P.No. 23480 of 2023 etc.,

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.Nos. 23480, 23343, 23346, 23355, 23359 & 23647 of 2023

and

**W.M.P.Nos. 22996, 22997, 22882, 22883, 22885, 22886, 22891, 22893,
22896, 22897, 23159 & 23160 of 2023**

W.P.No.23480 of 2023

M.Ramesh

...Petitioner

Vs.

- 1.The Director / Director General of Police,
National Crime Record Bureau,
NH-8 - Mahipalpur, New Delhi - 110037.
- 2.The Director / Superintendent of Police,
Central Fingerprint Bureau,
National Crime Record Bureau,
NH-8 - Mahipalpur, New Delhi - 110037.
- 3.The Director General of Police,
Head of Police Force,
Chennai - 600005, Tamilnadu.
- 4.The Additional Director General of Police,
State Crime Record Bureau,
95, Santhome High Road, RA Puram,
Near Pattinapakkam Signal,
Chennai - 600 028.



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5. The Director / Superintendent of Police,
Tamil Nadu Fingerprint Bureau,
State Crime Record Bureau,
95, Santhome High Road, RA Puram,
Chennai - 600 028.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking issuance of Writ of Certiorarified Mandamus calling for the records pertaining to the proceedings of the 2nd respondent dated 13.12.2022 and quash the same as illegal, incompetent and ultra-virus and consequently direct the respondents to revalue the petitioner's theory paper in the examination conduct by the AIBE dated on 09.11.2022 and appoint the petitioner in the post of Inspector of Police (Finger Print Bureau) for the Panel year 2023 to 2024 by considering my representation dated 07.12.2022.

For Petitioner : Mr. Deepanuday in W.P.Nos. 23480
& 23647 of 2023

Mr. G. Anandaraj in W.P.Nos. 23343, 23346,
23355 & 23359 of 2023

For Respondents : Mr. V. Chandrasekaran

Senior Counsel for R1 & R2

Mr. E. Vedabagath Singh

Special Government Pleader for R3 to R5



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All these petitions are for identical relief and as such taken up together and dispose of by this common judgment.

2.In the Month of August, 2022, the 1st and 2nd respondents called for nominations from the various States and Union Territories for participation in the All India Board Examination for Finger Print Experts, 2022. All the petitioners had applied for the above examination through the Tamil Nadu Finger Print Bureau, Chennai. The passing of the said examination will be the criteria for the further career upgradation of the petitioners. The departmental promotion as Inspector of Police of Finger Prints will be considered only if the petitioners clear the said examinations. The examination was conducted from 08.11.2022 to 13.11.2022 at the National Crimes Record Bureau, New Delhi. The results for the above said examination was announced on 28.11.2022 and the petitioners were declared as failed in certain papers. All the petitioners made a representation to revaluation of the answer sheets through E-mail on 12.04.2023 but, there was no positive response and therefore, the petitioners are before this Court.



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3. The Writ Petition is resisted by the Official respondents by filing separate counter affidavits. As far as the Government of Tamil Nadu is concerned, it is the case of the Additional Advocate General that they got nothing to do with the conduct or releasing of the results of the petitioners in respect of the examination and it is only the 1st and 2nd respondents who conduct the examination and released the results. Unless the petitioners are declared to be passed in the said examination, they cannot consider them for the departmental promotion.

4. As far as the 1st & 2nd respondents are concerned, it is their case that the exams have been duly conducted and key answers have been released and the petitioners' answer sheets were fairly marked and upon valuation, they did not pass the examination and therefore, they are declared as failed.

5. Heard Mr.Deepanuday and Mr.G.Anandraj, learned counsel appearing for the petitioners, Mr.V.Chandrasekaran, learned Senior Counsel for 1st & 2nd respondents and Mr.P.Kumaresan, learned Additional



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Advocate General assisted by Mr.Daniel, learned Government Advocate for
the respondents 3 to 5.

6. The learned counsel for the petitioner in W.P.No.23343 of 2023 leading the arguments on behalf of the petitioners' side would submit that the answers in question were on descriptive type. Eventhough distinct key answers have been given and segment wise answers were directed to be given by the valuers, still depending on the valuers, the mark has differed. By pointing out to Question No.4, for which the answer is written by the petitioner, K.Vinodha which answer has annexed at Page 87, the learned counsel would submit that only 10 marks out of 25 marks was awarded. The said answer as written by the petitioner is added Annexure -1 to this judgment. The key answer to the said question read as follows:-

"The chance prints marked as 'B' is identical with the Ten digit Finger Print Slip of the 'P' is Middle Finger. Which is marked as "V2" by me and initialled. It belong to the Right Middle finger.

The chance print marked as "A is Identical with the one of the ten digit Finger Print slip of the 'N' is right middle finger. Which is marked as 'V1' by me and initialled.



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From the above examination both the chance prints are tailed with Ten digit Finger print slip of N and P. Chance print A identical with."

7. The learned counsel would rely upon the answer in respect of very same question given by the yet another candidate. From the answer sheet of the candidate which annexed as Annexure-2 of this judgment.

Ans :)

"1) The chance print marked as 'A' is IDETICAL with the right middle finger of the suspect finger print slip marked as 'N'.

(10 marks)

2) The chance print marked as 'B' is IDETICAL with the right middle finger of the suspencet finger print slip marked as 'P'.

(10 marks)

Basis of the opinion is the occurrence of 8 ridge characteristics in same relative position in the two prints i.e. chance print and specimen print.

3) Encircling of the prints - - (5 marks)"

8. The said candidate was given 25/25 marks therefore, it is the contention of the learned counsel for the petitioner that in these types of



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valuation which is in respect of the descriptive answers, there are bound to be inaccuracies. Only in respect there of, rules have been framed by the respondents 1 & 2 themselves, which reads as follows:-

9. Scrutiny of Answer Papers:

(i) To guard against in any in-accuracy, the papers of the unsuccessful candidates will be re-examined on the method of marking already adopted and without an alteration of the standard

ii) Examiners, in giving marks, shall take the correctness of the technical contents of the answers into account.

iii) Examiners, in giving marks, shall consider whether the answers indicate an intelligent appreciation of the subject or these are merely the result unintelligent memory work.

9. The said rules titled revised scheme for a Constitution of All India Board for Examination of Finger Print Experts categorically mandate that it got against any inaccuracy, the papers of unsuccessful candidates have to be re-examined on the method of marking already adopted and without alternation of the standard. Therefore, it clearly pastulates that in



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respect of the failed candidates, the answer sheets have to be valid for one more time by the adopting the very same standards. It is the specific case that the said exercise was not carried out. Therefore, he would pray that the respondents 1 & 2 have to be directed to be carried out the said exercise as per the Sub-rule - 9 of the revised guidelines.

10. Opposing the said submissions, Mr.V.Chandrasekaran, learned counsel appearing on behalf of the respondents 1 & 2 would submit that the procedure as per the revised guidelines is definitely followed by the 1st and 2nd respondents. The results have been duly declared as per law. He would submit that even the example which is cited by the petitioner, the key answers have been specifically granted segment wise. Therefore, when the valuers have followed the same segment wise, the petitioners cannot find any fault after being unable to succeed in the examinations. He would further submit that there is already a course held that the candidates to examinations do not have fundamental or other right to request for revaluation unless it is provided under the rules.



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11. I have heard considered the rival submissions made by either side and perused the material records of the case.

12. There is no dispute over the fact that all the six writ petitioners who are candidates took part in the said examination and were unsuccessful. As far as the scrutiny of the examination paper is concerned, the Rule-9 of the revised scheme for the Constitution of All India Board for the Examinations of Finger Print Experts reads as follows:- Page 49

9. Scrutiny of Answer Papers:

(i) To guard against in any in-accuracy, the papers of the unsuccessful candidates will be re-examined on the method of marking already adopted and without an alteration of the standard

ii) Examiners, in giving marks, shall take the correctness of the technical contents of the answers into account.

iii) Examiners, in giving marks, shall consider whether the answers indicate an intelligent appreciation of the subject or these are merely the result unintelligent memory work.



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13. A proper reading of the Rule, it is not about any error in the valuation. The rule states about "Inaccuracy". Therefore, considering the nature of the questions being descriptive in nature and inaccuracies made creep in the valuation depending on the nature of the valuer, the above rule has been inserted. A particular valuer may give 10 out of 10 whereas another valuer may give 7 out of 10 for the said same answer. Only considering the same, the respondent themselves have inserted the above rule. Therefore, even though there may not be any error in the correction made, still when a candidate is a failed candidate, when the rule itself mandates that in respect of unsuccessful candidates they have to be re-valued on the method of marking already adopted i.e., by using the same key and by using the same segment wise markings without any alternation of standard, they have to be re-valued once again. For the instance, the petitioner has raised the said ground in ground No.E of the Writ Petition and the same is extracted here under:-

"E. It is further submitted that, in respect of the para-9 under caption of Scrutiny of answer papers the manner in which the examiner have to be followed is clearly stated as follows:-



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9(i) *To guard against in any in-accuracy, the papers of the unsuccessful candidates will be re-examined on the method of marking already adopted and without an alteration of the standard*

ii) *Examiners, in giving marks, shall take the correctness of the technical contents of the answers into account.*

iii) *Examiners, in giving marks, shall consider whether the answers indicate an intelligent appreciation of the subject or these are merely the result unintelligent memory work.*

In contrary to the above mentioned safe guarding clauses in Section 9(1) of the manual or regulation the 1st and 2nd respondents failed to execute the same and without following the manual hence the impugned letter communication is liable to be quashed."

14. The specific counter affidavit filed by the respondents 1 & 2, the reply to the said ground No.E is as follows:-

"D & E. That in reply to the ground 'D' & 'E' it is stated that the 1st and 2nd respondents have conducted All India Board Examination - 2022 of Finger Print Experts as per CFPB manual and examination answer sheets have been fairly



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16. Accordingly, these Writ Petitions are **allowed**. No costs.

Consequently, connected miscellaneous petitions are closed.

20.06.2024

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Internet: No

Index: No

Non-speaking order

Nuetral Citation : No



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D.BHARATHA CHAKRAVARTHY, J.

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