



W.P(MD)No.738 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 11.11.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P(MD)No.738 of 2018

T.Raja

... Petitioner

Vs.

The Member Secretary,
TNSET 2017,
Mother Teresa Women's University,
Kodaikanal – 624 101.

... Respondent

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 entire records connected with the impugned rejection letter of communication dated 13.11.2017 by the respondent and quash the same and directing the respondent to award two marks to the petitioner for the right answer put by petitioner in Question No.22, Paper No. II(F) TNSET 2017 and qualify the petitioner for TNSET 2017.



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For Petitioner : Mrs.C.K.Latha
for Mr.K.K.Kannan

For Respondent : Mr.N.Shanmuga Selvam
Standing Counsel

ORDER

This Writ Petition has been filed challenging the impugned rejection letter of communication dated 13.11.2017 by the respondent and directing the respondent to award two marks to the petitioner for the right answer put by petitioner in Question No.22, Paper No. II(F) TNSET 2017 and qualify the petitioner for TNSET 2017.

2. Heard the learned counsel appearing for the petitioner, the learned Standing Counsel appearing for the respondent and carefully perused the entire materials available on record.

3. The petitioner having completed PG Mathematics in his ambition to become Professor in Mathematics attended Tamil Nadu State Eligibility Test (TNSET), 2017 examinations conducted by the respondent for the purpose of determining the eligibility of Assistant



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Professors. The said examination was held on 23.04.2017 and the petitioner scored 180 marks in the examination in terms of the results published by the respondent. The eligibility mark for qualifying in the said examination is 182. When the petitioner checked the mark statement with the OMR answer sheet he found that wrong answer has been put in the answer sheet in Part II question booklet for the question “SET F”. There was a difference between “aperiodic” and “a periodic”. In the question paper, Question No.48 (SET E) or Question No.22 (SET F) was printed as “a periodic” but the answer was given to “aperiodic” in the answer key. But the correct answer for the Question No.48 (SET E) or Question No.22 (SET F) is “Non-Ergodic” (option – 4) in the answer key. But it was wrongly given as “Ergodic” (option – 3) in the answer key. In view of the said mistake committed by the respondent University, the petitioner had lost 2 marks. Hence, after publishing the results within the stipulated period of time for checking his answer, the petitioner made an appeal to the respondent on 24.08.2017 with a Demand Draft of Rs. 5,000/- drawn in favour of the respondent University in evidence of referential materials available in the book written by various authors which is extracted as follows:



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S.No	Author's Name	Title of the Book
1)	Athanasios Papoulis S.Unnikrishna Pillai	Probability, Random Variables, Stochastic process
2)	Arnold O.Allen	Probability, Statistics and Queueing theory
3)	T.Veerarajan	Probability, Statistics and Random processing
4)	G.Balaji	Probability and Queueing Theory
5)	P.Sivaramakrishna Das C.Vijayakumari	Probability and Random process

4. However, the petitioner's representation was negated by the Member Secretary TNSET 2018 by the impugned order dated 13.11.2017. Challenging the same, this Writ Petition came to be filed.

5. The learned counsel for the respondent on the basis of the counter affidavit submitted that, the said impugned order was passed relying upon Clause 28 of the notification for Tamil Nadu State Eligibility Test (TNSET), 2017 for Assistant Professors which mandates that the decision of Mother Theresa Women's University shall be final in all matter. He further submitted that the petitioner's representation was



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placed before the grievance committee consisting of subject experts including a member from the University Grants Commission which had dealt with the issue at length and concluded that the answer cited by the petitioner in question No.22 “10 f” is wrong and the correct answer is “Ergodic” as concluded by the said committee and hence, the petitioner's representation was rightly rejected and pressed for dismissal of the writ petition.

6. However, the learned counsel for the petitioner pointed out that the interim order passed by this Court in this case as early as on 31.07.2018 and the same is extracted as follows:

“2. In my view, it would be appropriate for the respondent to re-consider the petitioner's request for re-evaluating the question, which is the subject matter of this Writ Petition.

3. In the light of the above observation, the petitioner granted liberty to approach the respondent along with opinions/clarifications obtained by him from the experts and on receipt of the same the respondent shall re-consider the issue on or before 24.08.2018.”



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7. The learned counsel for the petitioner submitted that in the light of the interim order passed by this Court, the petitioner had duly approached 3 experts and had obtained their opinion in the form of certificate wherein all the 3 experts in their certificates dated 19.01.2018 had held that the correct answer is not “Ergodic” but “Non-Ergodic”. Having received the same, the petitioner had duly submitted yet another representation in terms of the interim order passed by this Court in this case on 16.08.2018 along with the expert opinion for the appreciation for the respondent University. However, the respondent University has kept the same pending without considering the same. However, when the learned counsel for the petitioner was specifically questioned by this Court as to whether the said representation has been sent by the registered post, she submitted that the same was submitted in person.

8. In view of the same, giving opportunity to the petitioner to submit a representation afresh along with expert opinion, this Court hereby direct the respondent University to place the same before the grievance committee of the University. On receipt of the same forthwith and pass appropriate order in accordance with law within a period of eight weeks thereafter.



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9. This Writ Petition is disposed of accordingly. There shall be no order as to costs.

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NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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L.VICTORIA GOWRI, J.

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