



W.P.(MD).No.21009 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE P.VELMURUGAN
AND
THE HON'BLE MR JUSTICE K.K.RAMAKRISHNAN**

W.P.(MD)No.21009 of 2024
and
W.M.P.(MD).No.17793 of 2024

J.Julius Mera Smith

... Petitioner

Vs.

1.The Registrar (Recruitment)
Madras High Court,
Chennai 600 104.

2.The Member Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, Park Town,
Chennai-600 003.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus calling for records relating to the impugned proceedings passed by 2nd respondent in Letter No. 2095/ED-B1/2023 dated 14.08.2024 and quash the same as illegal and consequently direct the respondents to reevaluate the petitioner's answer sheet for Tranlation and Law Paper-I, written by him for the Civil Judge Main Exam, 2023 and thereafter permit him to participate in selection



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process on the basis of the results published thereafter within the period that may be stipulated by this Court.

For Petitioner :Mr.Jerin Mathew

For Respondents :Mr.D.Sivaraman for R1

:Mr.J.Anandkumar for R2

ORDER

[Order of the Court was made by **K.K.RAMAKRISHNAN,J**]

The writ petitioner herein has filed this writ petition challenging the proceedings passed by 2nd respondent in Letter No.2095/ED-B1/2023 dated 14.08.2024.

2. The writ petitioner has participated in the recruitment to the post of Civil Judge. According to him, he wrote the exam well and also he answered the question paper as per law. But the valuation was not properly conducted and hence, proper mark was not awarded, even for some questions “0” mark was awarded. Hence, he obtained his answer sheet through the Right To Information Act and thereafter he submitted his



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representation and the same was rejected by the second respondent by passing the impugned order. Therefore, he filed this writ petition.

3. The learned counsel for the petitioner submitted that awarding “0” mark amounts to total non application of mind. He further stated that the valuation was not properly done and hence, if valuation had been properly done he would have secured the eligible mark, in order to participate in the interview. He relied the judgment of Hon'ble Supreme Court in the case of ***Ran Vijay Singh v. State of U.P.***, reported in ***2018 (2) SCC 357***, where it was held that in the event of any error, the Court is entitled to order for revaluation. Further, on the basis of that, he stated that if material error has been committed in the course of the requirement process, namely, in the process of the valuation, the Court has power to issue the direction under Article 226 of the Constitution of India. Hence, he seeks to allow this petition.

4. The Registrar of the Madras High Court and the Secretary to the Tamil Nadu Public Service Commission, namely, the respondents herein



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have appeared through their respective counsel and stated that there is no provision for revaluation after declaration of the result. Further, in the notification itself there is a specific bar for revaluation. The valuation was conducted by the competent Judicial Officer and the same was supervised by the Hon'ble Judges of this Court and hence, the valuation was proper. The valuer namely, Judicial Officer, after considering the answer sheet granted appropriate mark. Even “0” mark was awarded after perusal of the answer sheet. In the said circumstances, there is no material to adhere to the request of the petitioner. They further submitted that the judgment relied by the petitioner is not applicable to this case, where there was no material error committed by any of the valuer. The valuation was properly conducted and proper mark was awarded. The award of '0' mark shows the answer to the question were properly evaluated and since the answer was wrong '0' mark was awarded. If there is no valuation at all it can be material error. In these circumstances, this Court has no power of judicial review and similar request and similar prayer made by number of persons like the petitioner was dismissed by the Hon'ble Principal Bench, in W.P.No.19367 of 2019. Hence, they seek for dismissal of this petition.



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5. The learned counsel appearing for the first respondent has also filed a counter reiterating the said submissions.

6. This Court considered the rival submissions made by the learned counsel appearing for the writ petitioner and the learned counsel appearing for the respondents and perused the materials available on record and the precedents relied by them.

7. The Co-ordinate Bench of this Court in W.P.No.19367 of 2019, has rightly held that in the exercise of power under Article 226 of the Constitution of India the writ Court cannot direct revaluating the answer script of the petitioner and issue any direction to award higher mark to the petitioner for the answer he had given in the answer sheet.

8. The learned counsel for the High Court has relied number of judgments stating that the writ petition is not maintainable including the above said decision. This Court perused the same and as rightly argued, this



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Court has limited power to issue the revaluation. But, in view of the specific bar under the rule, this Court cannot entertain the request of the petitioner to revalue his answer sheet. In view of the above settled position of law, the prayer sought for by the petitioner cannot be granted and Court has no jurisdiction to entertain this writ petition.

9. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

[P.V.,J.] [K.K.R.K.,J.]
30.09.2024

NCC :Yes/No
Internet :Yes/No
Index :Yes/No
sbm



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