



W.P.(MD)No.22634 of 2018

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 12.12.2024

CORAM:

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD)No.22634 of 2018

A.Vithya Vijayalakshmi

... Petitioner

Vs.

The Member Secretary,
Mother Theresa Women's University,
Nodal Agency Tamil Nadu State Eligibility Test,
(TNSET-2018),
Kodaikanal – 624 102,
Dindigul District.

... Respondent

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the impugned order in Letter No. 1/MTWU/TNSET2018, dated 26.07.2018, on the file of the respondent and quash the same and further directing the respondent to assign marks to the petitioner for question nos.43 and 44 in paper I(D) in TNSET – 2018 and declare the petitioner as qualified with 142 marks out of 300.

For Petitioner	: Mr.G.Prabhu Rajadurai
For Respondent	: Mr.N.Shanmuga Selvam
	Standing Counsel

ORDER

This Writ Petition is filed, challenging the proceedings of the respondent in letter dated 26.07.2018, by which, the petitioner's request



W.P.(MD)No.22634 of 2018

to assign marks to the petitioner for the question nos.43 and 44 in paper I(D) in TNSET – 2018 and to declare the petitioner as qualified with 142 marks out of 300.

2.Heard the learned counsels on either side and carefully perused the entire materials available on record.

3.The petitioner attended the examination conducted by Mother Theresa University, on application to attend the Tamil Nadu State Eligibility Test, which was conducted on 04.03.2018. The answer key was published by the respondent on 05.03.2018. On the basis of the said answer key, the petitioner expected a score of 142 marks. Later the amended key on the basis of the expert committee opinion, came to be published by the respondent on 09.04.2018. The petitioner was shocked to understand that due to the change brought in by the amended answer key, the petitioner would lose 4 marks. As expected by him, the examination results was published on 08.06.2018 and the petitioner has scored only 138 marks. Hence, the petitioner after extensive research with regard to question nos.43 and 44, justifying the answer key, which was issued as early as on 05.03.2018, by the respondent, made an application to the respondent by payment of requisite fees on 19.06.2018, for ventilating his grievance, requesting to award 142 marks, considering his answers which match with answer key, which was



W.P.(MD)No.22634 of 2018

published on 05.03.2018. However, the impugned order dated 26.07.2018, was passed by the respondent, returning the petitioner's demand draft for Rs.2,000/- dated 19.06.2018, by concluding that the amended answer key as recommended by the expert committee, would be final and no further interference would be entertained in this regard. Challenging the same, this Writ Petition came to be filed.

4.The plight of the petitioner is that the respondent ought to have placed the materials submitted by the petitioner before the expert committee, should have rejected his application, after giving appropriate reasons for rejection of the same, considering the supporting materials submitted by the petitioner. However, a non speaking order has been passed by the respondent without placing the same before the expert committee.

5.In view of the said submission, I find that the petitioner is aggrieved, by the way the respondent has dealt with his application, since the petitioner's concerns, has been rejected outrightly without placing the materials submitted by him before the expert committee. Hence, the impugned order is quashed and the matter remanded back to the respondent. In this regard, the petitioner is directed to make fresh representation along with materials and requisite fee. The respondent is directed to place the petitioner's case before the expert committee and



W.P.(MD)No.22634 of 2018

the expert committee is directed to take the final decision in the matter within a period of four weeks from the date of receipt of copy of this order and thereafter, on the basis of the expert committee recommendation, the first respondent is directed to pass appropriate orders within a period of four weeks thereafter.

6. Accordingly, the Writ Petition is allowed. There shall be no order as to costs.

12.12.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Mrn

To

The Member Secretary,
Mother Theresa Women's University,
Nodal Agency Tamil Nadu State Eligibility Test,
(TNSET-2018),
Kodaikanal – 624 102,
Dindigul District.



WEB COPY



W.P.(MD)No.22634 of 2018

L.VICTORIA GOWRI, J.

Mrn

W.P.(MD)No.22634 of 2018

12.12.2024