



W.P.(MD)No.29106 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.07.2024

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

W.P.(MD)No.29106 of 2023

and

W.M.P.(MD)No.25155 and 25158 to 25160 of 2023

Prakash

... Petitioner

Vs.

The Secretary,
Tamil Nadu Public Service Commission,
T.N.P.S.C., Road, Broadway,
Park Town, Chennai-600 003.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for entire records of the respondent pertaining to the notification 23/2023 dated 13.10.2023 calling for applications for posts included in combined engineering Services Examination-2023 in Para 13(e) and 13(1) sub Clause (d) & (e) and quash the same as illegal and consequently direct the respondent to remove “ Instructions to Applicants” in para 17(D) sub Clause (Viii) and para 17(D) sub clause (X) and publish fresh “Instructions to Applicants” within the time stipulated by this Court.



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For Petitioner : Mr.G.Sakthi Rao
For Respondent : Mr.J.Anandkumar
Standing Counsel

ORDER

This writ petition has been filed challenging the Notification No. 23/2023, dated 13.10.2023 calling for applications for the posts included in combined Engineering Services Examination-2023 in Para 13(e) and 13(1) sub Clause (d) & (e) and quash the same as illegal and consequently direct the respondent to remove “ Instructions to Applicants” in para 17(D) sub Clause (Viii) and para 17(D) sub clause (X) and publish fresh “Instructions to Applicants” within the time stipulated by this Court.

2. Heard Mr.G.Sakthi Rao, learned counsel appearing for the petitioner, Mr.J.Anandkumar, learned Standing Counsel for the respondent.

3.The petitioner has applied for the posts of combined Engineering Services Examination services for the year 2023 vide notification No.23/2023, dated 13.10.2023 and attended the examination. Thereafter, the petitioner had sent a representation seeking his original OMR sheet along with rank and final answer key. However, the same was not considered so far. Hence, the petitioner has filed this writ petition.



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4.The grievance of the petitioner is that there is no transparency in the selection process conducted by the respondent and the conditions of the Notification would state neither the answer key will be released nor the candidates are entitled to get a copy of answer sheet, until the selection list is released.

5.The learned counsel for the petitioner submitted that the issue is no longer a *res integra* and is covered by the decision of this Court in **W.P.No. 8105 of 2024, dated 27.06.2024**. While dealing with the same issue, this Court has observed in paragraph Nos.5 to 8 held as follows:-

“5.The above conditions would have been issued for the reason that if the answer key is published, many candidates may come and challenge the answer key itself before the Court and at some point of time, the selection process itself might be stayed. In order to balance the above situation, the respondents had chosen a method of not releasing answer key and not furnishing a copy of answer sheet till the selection process is over.

6.Once selection process is over, thereafter, if any of the candidates come to know that he has not been given with due mark, despite he has given right answer, then, there will be no



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post available for him. All those posts will be availed by those persons, whose names are shown in the selection list.

7.In view of the above situation, I would appreciate if the respondents themselves come forward and give an Addendum or by stating that the aggrieved can get information about the answer key and copy of the answer sheet, even before the selection process is completed or the respondents themselves would come forward to publish the final answer key. There cannot be any impediment in releasing the answer key, once the examination is over. No candidate will rush to Court without knowing their respective marks and hence, there need not be any apprehension that release of answer key itself would create lot of litigations, unless the answer key causes confusion by giving several correct answers for the same question or so.

8.Other recruitment agencies are transparent enough to release the answer key once the examination is over. Hence, no prejudice would be caused to the respondent, if the said procedure is adopted by them.”

6.Since the petitioner herein is also similarly placed as that of the petitioner in the above writ petition, this petitioner is also entitled for the same relief.



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7. Accordingly, following the earlier decision of this Court supra (*W.P.No.8105 of 2024, dated 27.06.2024*), this Writ Petition is disposed of on the above lines. No costs. Consequently, connected miscellaneous petitions are closed.

08.07.2024
(2/2)

NCC:yes/no
Index:yes/no
Internet:yes/no
ta

To

The Secretary,
Tamil Nadu Public Service Commission,
T.N.P.S.C., Road, Broadway,
Park Town, Chennai-600 003.



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R.N.MANJULA, J.

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