



WEB COPY



W.P. No.25276 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.06.2025

CORAM:

THE HON'BLE MR. JUSTICE ABDUL QUDDHOSE

**W.P. No.25276 of 2024
and
W.M.P. No.27612 of 2024**

M.Vijay

.... Petitioner

-Vs-

1. Tamil Nadu Public Service Commission,
Rep by its Secretary & Controller of Examination,
Frazzer Bridge Road, VOC Nagar,
Chennai 600 003.

2. The Principal Chief Conservator of Forests,
& Head of Department,
O/o. The Principal Chief Conservator of Forests,
Velachery Main Road,
Near Kannigapuram Check-Post),
Guindy, Chennai 600 032.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 1st Respondent in respect of the impugned Order in Memo No.43-02/DTD-B2/2023, dated 06.03.2023 passed by the 1st Respondent against the Petitioner and quash the same as arbitrary and consequently direct the



W.P. No.25276 of 2024

1st Respondent to re-evaluate the answer-sheets of the Petitioner for providing marks for correct answers by comparing the answers with the manual and literature provided during the training imparted by Tamil Nadu Forest Training Academy, Coimbatore and pass any such further or other orders as this Court may deem fit.

For Petitioner : Ms.R. Maheswari

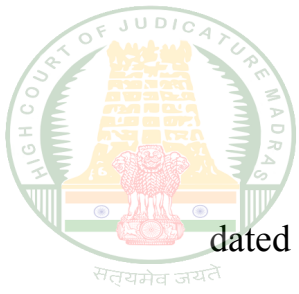
For Respondents : Mr.M. Murali,

Govt. Advocate for R2

ORDER

This writ petition has been filed challenging the impugned order, dated 06.03.2023 rejecting the petitioner's request for revaluation of his answer sheets.

2. The petitioner had applied for the post of Assistant Conservator of Forests. Presently, the petitioner is a Forest Range Officer in the Tamil Nadu Forest Department. The post of Assistant Conservator of Forests is a promotional post. Earlier, the petitioner had filed a writ petition before this Court in respect of the same cause of action, viz seeking for revaluing the answer sheets of the petitioner, who had applied for the post of Assistant Conservator of Forests. The said writ petition viz., W.P. No.29252 of 2022 was dismissed as withdrawn by order of this Court,

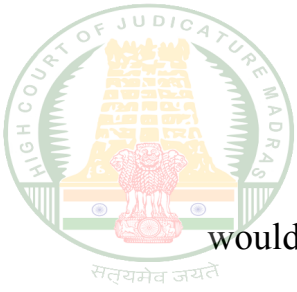


W.P. No.25276 of 2024

WEB COPY

dated 14.11.2022 based on a request made by the learned counsel for the petitioner in that writ petition. While dismissing the writ petition, this Court had also recorded the representation of the learned counsel for the petitioner that the petitioner may be granted liberty to submit a fresh representation to the respondents seeking for revaluation of the petitioner's answer sheets. While dismissing the writ petition as withdrawn, this Court had granted liberty as prayed for by the petitioner through this Court's order, dated 14.11.2022 passed in W.P. No.29252 of 2022. Thereafter, the petitioner has given a representation to the respondent-TNPSC seeking for revaluation of the petitioner's answer sheets and the same has been rejected under the impugned order, dated 06.03.2023 on the ground that the petitioner is not entitled for revaluation under the rules framed by the respondents. Aggrieved by the same, this writ petition has been filed.

3. The learned counsel for the petitioner drew the attention of this Court to the instructions issued to the candidates appearing for the Half Yearly Examinations and Language Tests issued by the Tamil Nadu Public Service Commission, hereinafter referred to as the “TNPSC” and in particular, she drew the attention of this Court to Instruction No.16 and



W.P. No.25276 of 2024

would submit that the TNPSC ought to have revalued the answer sheets of the petitioner based on the request made by him, since they have got the power to do so as per Instruction No.16. Instruction No.16 reads as follows :-

“Requests from candidates for furnishing the cause of failure in the test or for revaluation of their answer book will not be complied with. However, the Commission reserves to itself the right to get any answer book revalued if in its opinion there are sufficient and valid grounds to do so”.

4. The learned Standing Counsel appearing for the TNPSC would submit that it is clear from Instruction No.16 relied upon by the learned counsel for the petitioner that any requests from candidates for furnishing the cause of failure in the test or for revaluation of their answer book will not be complied with by the TNPSC. He would submit that the discretion is solely vested with the TNPSC and only in extra ordinary circumstances request for revaluation of answer sheets of any candidate is acceded to.

5. In the case on hand, he would submit that after considering the request of the petitioner seeking for revaluation, the TNPSC has come

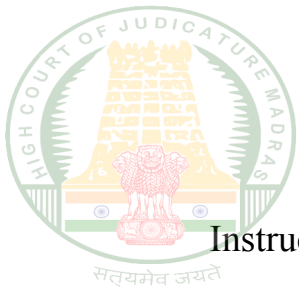


W.P. No.25276 of 2024

WEB COPY

to the conclusion that the request for revaluation of the answer sheets made by the petitioner does not deserve any merit. Only based on the same, the request has been rejected under the impugned order. Therefore, when the discretion, has been properly exercised by the TNPSC for rejecting the petitioner's request for revaluation, the question of challenging the said rejection order does not arise. This Court is in agreement with the submission made by the learned Standing Counsel appearing for the TNPSC.

6. Further, it is to be noted that earlier the very same petitioner had filed a writ petition before this Court as stated supra. Only on the request made by the petitioner in the said writ petition, the writ petition came to be dismissed as withdrawn. No further directions were issued by this Court in the said writ petition. Though liberty was granted to the petitioner to give a fresh representation to the respondent-TNPSC seeking for revaluation of answer sheets, but no further directions were issued in the said writ petition. Only on the basis of the liberty granted to the petitioner in the earlier writ petition, the petitioner had submitted a fresh representation to the TNPSC seeking for revaluation of the petitioner's answer sheets. The same has been rejected under the impugned order.



W.P. No.25276 of 2024

WEB COPY

Instruction No.16 of the TNPSC relied upon by the learned counsel for the petitioner also makes it clear that the request from candidates for furnishing the cause of failure in the test or for revaluation of their answer book will not be entertained. It is also made clear in the very same instruction that the TNPSC reserves to itself the right to get any answer book revalued if in its opinion there are sufficient and valid grounds to do so. In the case on hand, as seen from the impugned order, the TNPSC while considering the petitioner's request for revaluation of answer sheets in their opinion did not find any merit in the said request as the petitioner has not made out sufficient and valid grounds for revaluation and only under the said circumstances they have rejected the petitioner's request for revaluation. When the TNPSC has exercised their discretion properly by applying their mind and has come to the conclusion that the petitioner is not entitled for revaluation of the answer sheets, the question of interference by this Court under Article 226 of the Constitution of India through this writ petition does not arise.

7. The learned Standing Counsel appearing for the respondent-TNPSC also relied upon two authorities rendered by the Hon'ble Supreme Court in the cases of i) ***Bedanga Talukdar vs. Saifudaullah Khan and***



W.P. No.25276 of 2024

others reported in 2011 12 SCC 85 and ii) State of Tamil Nadu and others vs. G. Hemalathaa and another reported in 2020 19 SCC 430 for

the proposition that the instructions issued by the TNPSC are mandatory and is having the force of law and need to be strictly complied with. Though the learned counsel for the petitioner would submit that the said decisions pertain to fresh recruitments and does not pertain to promotions, the principles laid down in the judgments relied upon by the learned Standing Counsel appearing for the respondent can be applied for the case on hand as well.

8. For the foregoing reasons, this Court does not find any merit in this writ petition. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

13.06.2025

Index: Yes/ No
Speaking order / Non speaking order
Neutral citation : Yes / No
vsi2

ABDUL QUDDHOSE, J.

vsi2



W.P. No.25276 of 2024

WEB COPY

1. The Secretary & Controller of Examination,
Tamil Nadu Public Service Commission,
Frazzer Bridge Road, VOC Nagar,
Chennai 600 003.

2. The Principal Chief Conservator of Forests,
& Head of Department,
O/o. The Principal Chief Conservator of Forests,
Velachery Main Road,
Near Kannigapuram Check-Post),
Guindy, Chennai 600 032.

W.P. No.25276 of 2024
and
W.M.P. No.27612 of 2024

13.06.2025