

WP(MD).No.27153 of 2019

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 25.03.2025

CORAM:

THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN

WP(MD).No.27153 of 2019

&

WMP(MD).Nos.23468 of 2019 & 19536 of 2024

Nanthini Nachiar

.. Petitioner

Vs.

The Regional Provident Fund Commissioner – I (Exam)
Employees Provident Fund Organization,
(Ministry of Labour & Employment, Government Of India)
Bhavishya Nidhi Bhawan,
14 – B Bhikaji Cama Place,
New Delhi – 110 066.

.. Respondent

Prayer: Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the respondent to re-value **Descriptive Paper (T5-DP)** of the petitioner Nanthini Nachiar Bearing Roll No.2381002525 and Registration No.84511566 type written on 07.11.2019 within a stipulated time as directed by this Hon'ble Court and induct the name of the petitioner in the list of final result of Direct Recruitment Examination and process the petitioner name thereafter in accordance with law.



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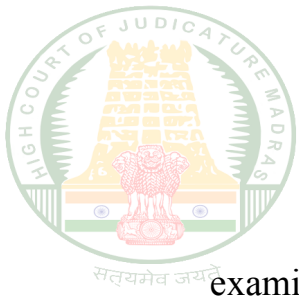
For Petitioner : Mr.N.GA.Natraj
For Respondent : Mr.A.John Xavier
Standing Counsel

ORDER

This writ petition is filed directing the respondent to re-evaluate the descriptive paper (T5-DP) of the writ petitioner.

2. It is the case of the writ petitioner that the respondent called for application of direct recruitment to the post of Assistant Section Officer, petitioner applied to the said post via online. The respondent originally announced, there were 280 vacancies. Thereafter, announced in the another notification, the number of posts to be filled were only 240 and not 280, as announced earlier. The number of seats to be filled in OBC category were 64, the respondent conducted a written examination as she belonged to OBC, the minimum marks that was required for qualifying in the first phase of examination was fixed as 10.50, 12.25 and 12.25 respectively.

2(i). The cut off mark of the shortlisted candidates for OBC was fixed as 91.25, she succeeded in the first phase and she was one of the shortlisted candidates for being qualified to phase two mains



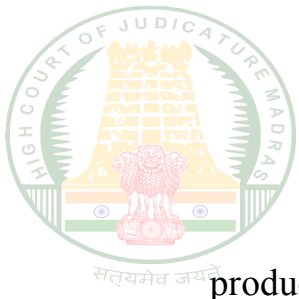
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examination. The final result of the direct recruitment examination was announced on 26.11.2019, the category of cut off marks within the total 230 marks was announced for OBC candidates. The minimum qualifying mark is 80.50 out of 230 which is 35%. The petitioner got 58.13 in T1-RI, 28, in T2-GA, 37 in T3-El, 51 in T4-QA and 9 in T5-DP. The total marks secured by her was 183.13 out of 230.

2(ii). The cut off marks required for selection in OBC category is 176.43. The persons who have got low average marks than her, they had got 1.50 marks below the cut off marks to 2.5 marks over and above, the minimum qualifying marks namely descriptive paper, there is no provisional notification facilitating to apply for re-evaluation. For descriptive paper (T5-DP) to be re-evaluated, she strongly believed that she would be getting two more marks in the said paper. Hence, this writ petition.

3. The learned counsel appearing for the petitioner would submit that if the descriptive paper (T5-DP) had been re-evaluated, definitely, the petitioner would had got more than two marks in the said paper and she will get the qualifying marks. He would submit that she has filed an application in WMP(MD).No.19536 of 2024, directing the respondent to



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produce the Descriptive Paper (T5-DP) of the petitioner, Nanthini Nachiar Bearing Roll No.2381002525 and Registration No.84511566 type written on 07.11.2019.

4. *Per-contra* to it, the learned Standing Counsel appearing for the respondent would submit that the descriptive paper was valued by the Institute of Banking Personnel Selection (IBPS) which is an independent body that conducted the examination in 2019. The respondent does not have access to or custody of the evaluated descriptive papers. He would further submit that as per the terms of the recruitment notification and the evaluation conducted by the Institute of Banking Personnel Selection was final and the respondent is not in a position to procure or review the petitioner's descriptive paper.

5. This Court has considered the submissions advanced by the learned counsel for the petitioner and the learned Standing Counsel for the respondent, perused all the available materials on record.

6. It is seen from the typed set of papers that the respondent originally announced, there were 280 vacancies, the respondent herein called for direct recruitment to the post of Assistant Section Officer and thereafter on 07.11.2019 announced another notification for the direct



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recruitment to the post of Assistant to be filled in is only 240 and not 280 vacancies, as announced earlier.

7. According to the respondent there is no clause in the notification, facilitating to apply for re-evaluation. However, the learned Standing Counsel appearing for the respondent would draw attention of this Court to the counter filed in this writ petition in paragraph No.9 which reads hereunder:-

“9.I respectfully submit that the Descriptive paper was evaluated by the institute of Banking Personnel Selection (IBPS), an independent body that conducted the examination in 2019. EPFO does not have access to or custody of the evaluated descriptive papers. As per the terms of the recruitment process, the evaluation conducted by IBPS was final, and EPFO is not in a position to produce or review the petitioner's Descriptive paper now. The petitioner's request for revaluation or re-examination of the Descriptive paper is therefore unfeasible.

I beg to submit that the recruitment process for the Assistant Section Officer(ASO) post in the year 2019, was conducted in a fair, transparent, and lawful manner. While so, allowing the petitioner's request for a re-evaluation of the Descriptive paper would not only disrupt the established selection process but would also set an undesirable precedent. This could



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open the door for numerous other candidates to request access to and re-evaluation of their Descriptive papers, leading to widespread challenges to the recruitment results not only of IPS, but of UPSC, Staff Selection Commission, State Public Service Commission, National Testing Agency, etc which selects thousands of candidates every year. Moreover this would severely undermine the integrity of the recruitment process and potentially impact the candidates who have already been lawfully selected and appointed based on their performance. Further this Hon 'ble court would then be flooded by such frivolous petitions."

8. The learned Standing Counsel appearing for the respondent also submitted that in the absence of any provision for re-evaluation of any answer book, there is no relevant Rule, no candidate has a right to claim for re-evaluation of his marks, to strengthen his contentions, he has relied upon the judgment of the Hon'ble Supreme Court of India reported in [(2004) 6 SCC 714] in the case of **Pramod Kumar Srivastava Vs. Chairman, Bihar Public Service Commission** to show that in the absence of any provision or re-evaluation of answer books in the relevant Rules, no candidate has a right whatsoever to claim or ask for revaluation of his marks.



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9. The learned counsel appearing for the respondent would draw attention of this Court to the counter filed in WMP(MD).No.23468 of 2019. In paragraph Nos.5 and 10 which read as follows:

"5. Further, it is submitted that in a catena of cases the Hon'ble Courts have ruled that evaluation of answer scripts are not permitted. In an unreported case "C.Jegadiswaran Vs Vice-Chancellor" in W.P(MD).No.172 of 2014, the Hon'ble Division Bench of Madras High Court, Madurai Bench held that in the absence of any provision for Re-valuation, a mandamus cannot be issued by this Court, directing the authorities to undertake revaluation. Hence this writ petition is not maintainable.

6.In "Pramod Kumar Srivastava vs. Chairman, Bihar Public Service Commission" as reported in (2004) 6 SCC 714, the Supreme Court held that "In the absence of any provision for revaluation of answer books in the relevant rules, no candidate has a right whatsoever to claim or ask for revaluation of his marks. There is no dispute that under the relevant rule of the Commission there is no provision entitling a candidate to have his answer-books re-evaluated. In such a situation, the prayer made by the appellant in the writ petition was wholly untenable"

10. By applying the ration laid down by the Hon'ble Supreme Court in "Pramod Kumar Srivastava vs. Chairman, Bihar Public Service Commission" in the instant case on hand, in the absence of any provision or Rules for re-evaluation of answer books, the petitioner has no right to seek such a relief. In the notification, the writ petitioner himself admitted that there is no clause mentioned seeking re-evaluation or production of



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answer sheets from the respondent. In view of the above, there is no merit in this writ petition and is liable to be dismissed.

11. In the result, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petitions are also closed.

25.03.2025

NCC : Yes

Index : Yes

Internet : Yes

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To

The Regional Provident Fund Commissioner – I (Exam)

Employees Provident Fund Organization,

(Ministry of Labour & Employment, Government Of India)

Bhavishya Nidhi Bhawan,

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M.JOTHIRAMAN, J.

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