

(2009) 07 MAD CK 0495

In the Madras High Court

Case No : Writ Petition No. 13442 of 2009 and M.P. No. 1 of 2009

A. Alwin Surya

APPELLANT

Vs

The Secretary, Selection Committee and The Joint Director,
Directorate of Government Examinations, Higher Secondary
Education

RESPONDENT

Date of Decision : 21-07-2009

Acts Referred:

Citation : (2009) 07 MAD CK 0495

Hon'ble Judges : M. Jaichandren, J

Bench : Single Bench

Advocate : J. Nandagopal, for the Appellant; K. Dakshayani Reddy, Government Advocate, for the Respondent

Final Decision : Dismissed

Judgement

M. Jaichandren, J.—Heard the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

2. By consent of the parties, the writ petition is taken up for final hearing and disposal.

3. This writ petition has been filed, praying for a Writ of Certiorarified Mandamus to call for the impugned memorandum, dated 1.7.2009, made in Rc. No. 023997/RV/09, issued by the Joint Director (Valuation), Directorate of Government Examinations, Chennai, informing the petitioner that his answer script bearing Registration No. 715549, in Biology subject, had been scrutinised and re-valued and it was found that there was no change in the marks already awarded.

4. The father and natural guardian of the petitioner had filed the affidavit in support of the writ petition, on behalf of his minor son, A.Alwin Surya. It has been stated that the petitioner had written the Higher Secondary Examinations, conducted in the month of March, 2009. He had scored 198 marks in Physics, 196 marks in Chemistry, 187 marks in Biology, with a total of 1106 marks out of

1200 marks. The petitioner had scored only 187 marks, out of the maximum of 200 marks, in the subject of Biology.

5. It has been stated that the petitioner had been awarded 187 marks only out of the maximum of 200 marks in the Biology paper, due to improper valuation of the answer book of the petitioner. Therefore, the petitioner had applied for re-evaluation of his Biology paper (Group Code No. 103), bearing Registration No. 715549. The second respondent, by his reply, dated 1.7.2009, had informed the petitioner, after scrutiny and re-evaluation, that there was no change in the marks allotted to the petitioner, in the Biology paper.

6. It has been further stated that the answer books of the candidates should have been evaluated, as per the Scheme contemplated under Bye-law 51 (ii) of the Examination Bye-law of the Central Board of Secondary Education. However, from the xerox copy of the answer book of the petitioner, in the subject of Biology, it is found that for Question No. 23, three marks should have been given, instead the petitioner had been awarded only one mark. For the answer to Question No. 24, no marks had been given, even though two marks ought to have been awarded for the answer. Likewise, for the answer to Question No. 32, one mark should have been given for the Floral Diagram. Therefore, a total of five marks ought to have been awarded to the petitioner, in Biology paper, pursuant to the re-evaluation of the paper.

7. The learned Counsel appearing on behalf of the respondents had submitted, based on the instructions received by her, that with regard to Question No. 23, the answer, as per the Key answers supplied to the examiners, the definition of fermentation ought to have been written by the petitioner as "Fermentation:-" The anaerobic breakdown of glucose to CO₂ and ethanol is a form of respiration is referred as fermentation. Instead the student had written the answer as follows:

Fermentation: Fermentation is usually a reaction which ends with effervescence. The anaerobic decomposition of glucose into alcohol and carbondioxide by yeast is called fermentation reaction

$$C_6H_{12}O_6 \longrightarrow 2C_2H_5OH + 2CO_2 + \text{effervescence.}$$

The enzyme zymase is released by the yeast.

8. Similarly for Question No. 24, as per the Key answers, while describing "Humulin", the petitioner ought to have written as follows:

Humulin: Through genetic manipulation and introduction of human gene for insulin production, the bacterium E.coli is articulated to produce human insulin called humulin.

Instead the student had written the answer as follows:

Humulin is vaccine virus used to cure human immunodeficiency diseases. It is very useful in saving human lives from threatening diseases. It provide humeral

immunity.

9. In the answer to Question No. 32, nine marks had been awarded, out of the maximum of 10 marks allotted for the answer. However, after re-evaluation of the answer book, one more mark had been awarded to the answer to Question No. 32. However, for question No. 15, while the maximum marks allotted for the answer was three, the examiner had given four marks. Therefore, one mark had been reduced for the answer to Question No. 15. As such, there was no change in the total marks awarded to the petitioner, in the Biology paper, after the official re-evaluation. On further scrutiny and re-assessment made, in the Biology paper of the petitioner, based on the instructions of this Court, it was found that there is no change in the total marks awarded for the reasons stated above.

10. In view of the submissions made by the learned Counsels appearing for the petitioner, as well as the respondents, and on a perusal of the records available, this Court is of the view that the petitioner has not shown sufficient cause or reason for this Court to grant the reliefs, as prayed for by the petitioner, in the present writ petition. Since the petitioner has not answered the relevant questions, as per the key answers supplied to the examiners, no additional marks have been granted. As far as the answers, to Question Nos. 23 and 24, since the petitioner has not written the answers as per the key provided to the examiners, no additional marks had been awarded. However, for the answer to Question No. 32 one mark had been awarded after re-evaluation. However, with regard to Question No. 15, while the maximum mark allotted for the answer was three, the examiner had committed a mistake by granting four marks for the answer. Therefore, one mark had been deducted for the answer to Question No. 15. As such, there was no change in the total marks awarded to the petitioner, in the Biology paper. In such circumstances, the writ petition is liable to be dismissed. Hence, it is dismissed. No costs. Consequently, connected M.P. No. 1 of 2009 is closed.