
(2014) 06 MAD CK 0124

In the Madras High Court

Case No : Writ Petition No. 15593 of 2014 and M.P. No. 1 of 2014

T.G. Nandakumar

APPELLANT

Vs

The Director Government Examinations

RESPONDENT

Date of Decision : 19-06-2014

Acts Referred:

Citation : (2014) 06 MAD CK 0124

Hon'ble Judges : B. Rajendran, J

Bench : Single Bench

Judgement

B. Rajendran, J.—The petitioner has come forward with this writ petition praying to direct the first respondent to award 2 marks to his son (Registration No. 730997) for question No. 20 in Part-I Botany of Biology and further direct the third respondent to permit the petitioner's son to participate in the counselling for MBBS course based on his revised marks.

2. After elaborate argument, the learned Government Advocate appearing for the respondents 1 and 2 brought to the notice of this Court that a mistake was committed in granting marks to the petitioner's son. In fact, for question No. 20, which carries 3 marks, the petitioner was awarded one mark. After filing this writ petition, the answer sheet written by the petitioner's son was evaluated and it was found that the answer written by the petitioner's son for question No. 35 was incorrect. During evaluation, it was found that the second and third reactions written for question No. 35 was wrong. The release and acceptance of H₂O is also wrong. Hence, one mark was reduced to the petitioner's son for question No. 35. As far as question No. 20 is concerned, after evaluation, it was found that the petitioner's son is entitled for awarding two more marks. However, since the petitioner's son was awarded excess mark for question No. 35, ultimately, he could be awarded only one extra mark in this writ petition.

3. I heard the counsel for both sides. The petitioner's son had written the higher secondary (+2) examination in which he secured 1151 out of 1200 marks. After obtaining his answer sheet, the petitioner has filed this writ petition contending

that his son was awarded only 1 mark for question No. 20 in Biology and he ought to have been awarded 3 marks. On notice, the learned Government Advocate for respondents 1 and 2 brought to the notice of this Court that the answer sheet written by the petitioner's son was evaluated and during such evaluation, it was found that he was awarded 1 extra mark for question No. 35. The respondents 1 and 2 also obtained a report from experts/teachers who have opined that the second and third reactions written for question No. 35 was wrong. The release and acceptance of H₂O is also wrong. On the basis of such an expert opinion, one mark was reduced to the petitioner's for question No. 35. As far as question No. 20 is concerned, the learned Government Advocate submits that the petitioner's son can be awarded 3 marks as against 1 mark awarded to him. However, since one mark was already reduced to the petitioner's son for having written incorrect question No. 35, ultimately, the petitioner's son could be awarded only one mark. In other words, the petitioner's son is entitled to be awarded 196 marks in Biology subject as against 195 awarded to him earlier.

4. In the result, the writ petition is partly allowed and the total marks secured by the petitioner's son is declared as 196 in Biology subject as against 195 awarded to him earlier. No costs. Consequently, connected miscellaneous petition is closed.

5. It is now brought to the notice of this Court by the learned senior counsel for the petitioner that the counselling for M.B.B.S. is scheduled to commence tomorrow and prayed this Court to direct the first respondent to issue fresh mark sheet to the petitioner's son forthwith. The learned Government Advocate would only contend that the first respondent will issue a letter to the son of the petitioner tomorrow i.e., 20.06.2014 stating that he is entitled for 1 more mark and on the basis of such letter, the petitioner's son can take part in the counselling which is scheduled to commence tomorrow.

6. In view of the above, the respondents 3 and 4 are directed to take note of the letter that would be issued to the petitioner's son by the first respondent intimating the award of 1 more additional mark to him during the course of counselling for MBBS admission. The first respondent is also directed to issue fresh mark sheet to the son of the petitioner within two days.