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W.A.Nos.724 & 760 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Judgement Reserved on	:	10..11..2022
Judgement Pronounced on	:	01..11..2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**
and
The Honourable Mr. Justice **RMT.TEEKAA RAMAN**

Writ Appeal No.724 of 2022
and
Writ Appeal No.760 of 2022 & C.M.P.No.5329 of 2022

W.A.No.724 of 2022:

E.Ranjith

..... Appellant

-Versus-

1.The Tamilnadu Public Service Commission,
Rep. by its Chairman,
TNPSC Road, VOC Nagar,
Park Town, Chennai 600003.

2.The Controller of Examinations,
Tamilnadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai 600003.

.....

Respondents

Appeal filed Clause 15 of The Letters Patent against the order dated
31.01.2022 made in W.P.No.16481 of 2020.



W.A.Nos.724 & 760 of 2022

W.A.No.760 of 2022:

Dr.S.Sibichakkaravarthy

..... Appellant

-Versus-

1.The Chairman,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai 600003.

2.The Secretary,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai 600003.

3.The Controller of Examination,
Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar,
Park Town, Chennai 600003.

.....

Respondents

Appeal filed Clause 15 of The Letters Patent against the order dated
31.01.2022 made in W.P.No.35219 of 2019.

*For Appellant(s) : Mr.K.S.Viswanathan for
Mr.G.Ilamurugu for Appellant in
Writ Appeal No.724 of 2022*

*Mr.S.Thanka Sivan for Appellant
in Writ Appeal No.760 of 2022*

*For Respondent(s) : Mr.P.S.Raman, Senior Counsel for
Mr.V.Govardhanan & Mr.I.Abrar
Md. Abdullah for TNPSC for
Respondents 1 and 2 in Writ
Appeal No.724 of 2022 and*



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*For Appellant(s) : Mr.K.S.Viswanathan for
Mr.G.Ilamurugu for Appellant in
Writ Appeal No.724 of 2022*

*Respondents 1 to 3 in Writ Appeal
No.760 of 2022*

COMMON JUDGEMENT

P.N.PRAKASH.J.,

Dr.S.Sibichakkaravarthy (Register No.010153202) and E.Ranjith (Register No.170124177) wrote the competitive examination (Descriptive Type) for recruitment to the posts included in the Combined Civil Services Examination-I (Group-I Services) conducted by the Tamil Nadu Public Service Commission [(for short, “the TNPSC”) in 2019 and were declared unsuccessful. Challenging their non-selection, they preferred Writ Petitions in W.P.Nos.35219 of 2019 and 16481 of 2020 respectively, in which, they principally contended that their answer scripts were improperly evaluated and, therefore, they have been unjustly denied selection and appointment to the posts included in CCS-I (Group-I Services). Those two writ petitions were heard by a learned single Judge and during the course of the hearing, they were permitted to peruse their respective answer scripts and they were

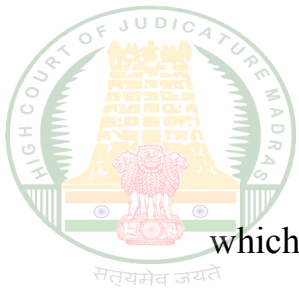


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also provided with the marks that were awarded to them in Group I – Papers I, II and III (General Studies).

2. At this juncture, it may be pertinent to state here that, under the Tamil Nadu Public Service Commission Regulations, every answer script would be examined by two independent examiners with dummy numbers and the candidate would be awarded the average of the marks given by the two examiners. Where, for a Paper, if the difference in the total marks awarded by the two examiners exceed 15%, that paper would be sent for third evaluation. In this examination, it appears that 9441 candidates cleared the Preliminary Examination and were selected for the Main Written Examination.

3. It was the contention of the Writ Petitioners before the learned single Judge that the 3rd valuation should have been done as the marks given by the two examiners for certain questions exceeded 15% and in some cases, the difference is very wide. In order to illustrate his grievance, Dr.S.Sibichakkaravarthy has given a Table in the Memorandum of Appeal



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which reads as under:-

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Paper	Question No.	Marks awarded in 1st Valuation	Marks awarded in 2nd Valuation	Variation in %
Paper-I Mathematics	25	12/15	0/15	100%
Paper-II Tamil Society	21	5/10	0/10	100%
Paper-III General Studies	20	8/10	0/10	100%
Paper-I Modern History	9	9/15	3/15	66%
Paper-I General Aptitude	17	9/15	4/15	56%
Paper-II Science & Technology	14	7/10	3/10	57%
Paper-II Science & Technology	18	15/15	10/15	34%
Paper-III (ISRO) General Studies	6	11/15	2/15	82%

4. Of course, we are not extracting the table given by the other Writ Petitioner namely, E.Ranjith, as we do not want to make this order prolix.



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5. This contention of the writ petitioners did not find favour with the

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learned single judge and therefore, their writ petitions were dismissed by a common order dated 31.01.2022, aggrieved by which, they have filed the present Writ Appeals.

6. The short point that falls for determination in these Writ Appeals

is:-

Whether in the given fact situation should there be a direction from this court for re-valuation of their answer scripts?

7. The law relating to the power of the constitutional courts to order revaluation is no more res integra in the light of the authoritative pronouncement of the Supreme Court in **Ran Vijay Singh v. State of UP [(2018) 2 SCC 357]** wherein at para 30, it has been stated as follows:-;

“30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions.



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They are: 30.1 If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;

30.2 If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the Court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any "inferential process of reasoning or by a process of rationalisation" and only in rare or exceptional cases that a material error has been committed;

30.3 The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate - it has no expertise in the matter and academic matters are best left to academics;

30.4 The Court should presume the correctness of the key answers and proceed on that assumption; and 30.5 In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.”



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8. From a reading of the above ruling, it is clear that though this Court

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has the power to order revaluation of the answer scripts, it can be done only

“in rare or exceptional cases that a material error has been committed” . The

contention of the appellants that there should be a third valuation of every

question where the difference between the marks given by the two examiners

exceed 15% cannot be countenanced since it defies logic and rationality. We

find no infirmity in the procedure that was being followed by the TNPSC for

over two decades whereby third valuation would be done only in cases

where the difference in the total marks for a paper awarded by the 1st and

2nd examiners exceed 15%. Just because, for Dr.S.Sibichakkaravarthy for

Question No.25 in Paper-I General Studies (Question relates to

Mathematics), one of the examiners has awarded 12 out of 15 marks and the

other examiner has awarded 0 out of 15 marks, we cannot infer that the

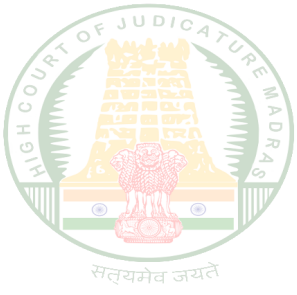
entire Paper-I was not properly evaluated. Similarly, in respect of

E.Ranjith also, for some questions, one examiner has awarded 0 out 15

marks and the other examiner has awarded some marks. All these isolated

differences, in our considered opinion, cannot be a ground for ordering

revaluation.



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9. Mr.K.S.Viswanathan, learned counsel for E.Ranjith in W.A.No.724

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of 2022 contended that when E.Ranjith opened the official website of the TNPSC, he found that he was awarded 422 out of 750 marks, whereas, subsequently, the website showed that he was awarded 312 out of 750 marks and, therefore, there is some foul play. The TNPSC has denied this allegation.

10. We also called the answer scripts of both the appellants viz., E.Ranjith as well Dr.S.Sibichakkaravarthy with the key answers. We carefully perused the same and we are satisfied that these two cases are not rare or exceptional cases where a material error has been committed by the TNPSC for ordering revaluation. There is no credible material placed before us to show that the TNPSC website had initially shown that E.Ranjith was awarded 422/750 and later it was changed to 312/750. We went through his answer script and the marks awarded by the two examiner and found that he has been awarded only 312/750 and not 422/750.



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11. In view of the foregoing discussions, we do not find any infirmity

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in the order of the learned single Judge insofar as the appellants are concerned and thus, these two Writ Appeals devoid of merits and the same are liable only to be dismissed.

In the result, both the Writ Appeals are dismissed. No costs.

Consequently, connected CMP is closed.

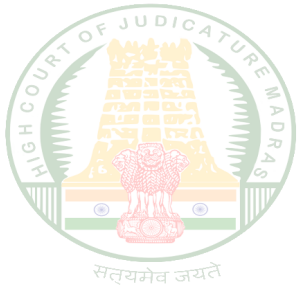
(P.N.P., J.) (TKR., J.)
01..12..2022

Index: Yes/No
kmk

To

- 1.The Chairman, Tamil Nadu Public Service Commission,
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- 2.The Secretary, Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar, Park Town, Chennai 600003.
- 3.The Controller of Examination, Tamil Nadu Public Service Commission,
TNPSC Road, VOC Nagar, Park Town, Chennai 600003.
- 4.The Government Pleader, High Court, Madras.

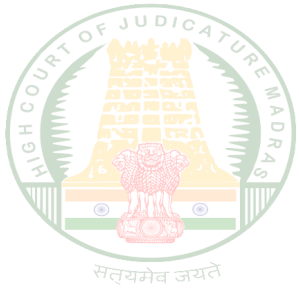
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