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W.P.No.33691 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.03.2025

CORAM

THE HONOURABLE Mr. JUSTICE C.V.KARTHIKEYAN

W.P.No.33691 of 2024

AND

W.M.P.Nos.36476, 36478 & 36479 of 2024

A.Mohamed Ibrahim

... Petitioner

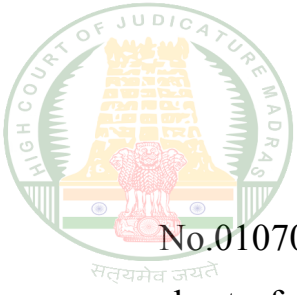
Vs

1.The Secretary
The Tamil Nadu Public Service Commission
No.3, Frazer Bridge Road
V.O.C.Nagar, Chennai 600 003

2.The Controller of Examination
Tamil Nadu Public Service Commission
No.3, Frazer Bridge Road
V.O.C.Nagar, Chennai 600 003

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records of 2nd respondent pertaining to the declaration of results for the written examination held on 09.06.2024 for the Combined Civil Services Examination-IV (Group-IV Services) held in pursuant to advertisement No.1/2024 dated 30.01.2024, insofar as the petitioner is concerned and quash the declared result in the registration



W.P.No.33691 of 2024

No.0107003143 and consequently direct the 2nd respondent to evaluate the OMR sheet of the petitioner and declare the marks scored and consequently permit the petitioner to participate in the certificate verification and to appoint the petitioner for a suitable post under the Combined Civil Services Examination-IV.

For Petitioner : Mr.R.Sivakumar

For Respondents : Ms.G.Hema, Standing Counsel

ORDER

This writ petition has been filed in the nature of a certiorarified mandamus seeking records relating to the declaration of results for the written examination held on 09.06.2024 for the Combined Civil Services Examination-IV (Group-IV Services) declared by the 2nd respondent, the Controller of Examinations, Tamil Nadu Public Service Commission (TNPSC), Chennai.

2. The said examination was conducted, pursuant to an advertisement No.1/24 dated 30.01.2024. The petitioner had joined Engineering course and while studying III semester, met with a major accident and sustained multiple injuries. He had been hospitalised and had restricted movement of his right hand, left leg. His left eye was also impaired. His speech also suffered. He was issued

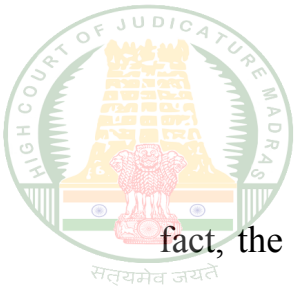


W.P.No.33691 of 2024

with a certificate by the Department of Empowerment of Persons with Disabilities

at Trichy *vide* certificate dated 02.08.2021, certifying that he was a locomotor disabled person. His disability was assessed at 60%. This was also confirmed by the Regional Medical Board at Chennai in their report dated 12.07.2023. They confirmed that his disability was 62%. The petitioner was not able to continue with his Engineering course, but, subsequently, completed Bachelor course in Computer Applications.

3. The petitioner then, appeared for the Combined Civil Services Examination-IV (Group-IV). He sought reservation under the category of differently abled person. A scribe was also allotted to him. He had written the examination on 09.06.2024. A separate scribe was allotted and a separate room was also allotted. He completed answering the questions, even before the regular time. Thereafter, the scribe had handed over the answer sheet to the invigilator. The petitioner however had not affixed his signature in the relevant portion required. If the petitioner had difficulty in affixing signature, the instructions provided that he can affix his left thumb impression or right thumb impression. The petitioner did not affix either thumb impressions. In view of that particular



W.P.No.33691 of 2024

fact, the answer paper was not valued and the petitioner was not issued with any marks and it was remarked that the answer paper was not fit for valuation, owing to the instructions issued by the 2nd respondent.

4. As per the instructions issued by the 2nd respondent, the answer sheet of the candidate must be signed by the candidate. If the candidate is not able to affix his signature, then, he must affix his left thumb impression and if the candidate is also not in a position to use his left hand, he can affix his right thumb impression.

The relevant instructions in this regard are as follows :

“4. Special Instructions for Persons with Benchmark Disabilities, Usage of scribes, etc.,

4.2. Visually impaired candidates and orthopaedically challenged candidates who are unable to use their hands for writing, are allowed the assistance of a scribe subject to the following conditions:

4.5. Candidates with benchmark disability must affix their signature and left hand thumb impression in the space provided in the answer sheets, if possible.

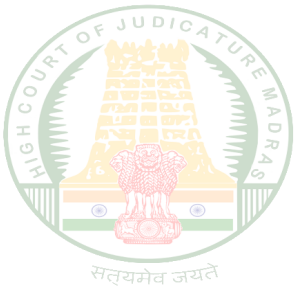
4.6. Visually disabled/orthopaedically disabled candidates who have been permitted to use scribe facility, who are unable to affix their signature, may affix their left hand thumb impression alone in the space provided in Part I of the OMR answer sheet after the closure of examination.

4.7. Candidates who are unable to use their left hand, must affix right hand thumb impression.

4.10. Candidates who are unable to use both hands, and who have been permitted to use scribe, may leave the signature and thumb impression columns blank.

5. Penalty for Violation of Commission's Instructions in the Objective Type Examination

5.1.7. OMR answer sheet is not signed by the candidate at all required places.”



W.P.No.33691 of 2024

WEB COPY

5. The instructions provide that signature is required to be affixed and if that is not possible, either left thumb impression or right thumb impression must be affixed. There is also a provision in clause 4.10. which provided that, “*candidates who are unable to use both hands and who have been permitted to use scribe, may leave the signature and thumb impression column blank*”. However, the petitioner in his affidavit stated that he had suffered injuries and paralysis in his right hand. He has not specifically stated that both his hands had suffered paralysis and that he could not sign at all.

6. In the counter affidavit filed, it had been contended that the instructions are clear that the answer sheet should be signed by the candidates. The remarks also been noted that the petitioner herein had not signed the OMR sheet. It is under this ground that his answer sheet had been rejected.

7. The learned counsel for the petitioner stated that an effort can be taken to examine whether the petitioner has scored the qualifying marks by taking a lenient



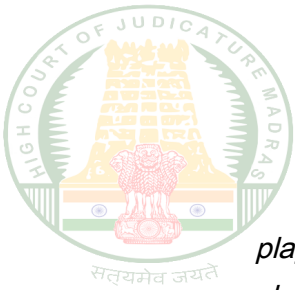
W.P.No.33691 of 2024

approach. The learned counsel further stated that even if the signature is not available, the answer sheet can be called for and compared with the registration number, in order to determine whether the answer sheet is of the petitioner.

8. The submissions made by the learned counsel across the bar is appreciated, but acceding to the same would be far exceeding the scope of examination and changing the rules of the game. The instructions very specifically stipulate various options, instead of affixing the signature to at least affix either one thumb impressions, if both are not possible.

9. The rules cannot be changed for one particular candidate, who had omitted to affix his signature. There cannot be any different approach taken for the petitioner. There could be several other candidates, who have committed irregularities in answering the examination and the gates would be opened for them to now approach for consideration. In ***Ran Vijay Singh and Others Vs. State of Uttar Pradesh and Others [(2018)2 SCC 357]***, the Hon'ble Supreme Court had held as follows :

“31. On our part we may add that sympathy or compassion does not

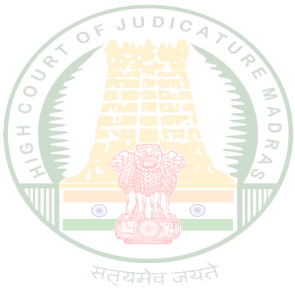


W.P.No.33691 of 2024

WEB COPY

play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse — exclude the suspect or offending question.

32. It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty. While there is no doubt that candidates put in a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but the court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates who have successfully participated in the examination and the examination authorities. The present appeals are a classic example of the consequence of such interference where there is no finality to the result of the examinations even after a lapse of eight years. Apart from the examination authorities even the candidates are left wondering about the certainty or otherwise of the result of the examination whether they have passed or not; whether their result will be approved or disapproved by the court; whether they will get admission in a college or university or not; and whether they will get recruited or not. This unsatisfactory situation does not work to anybody's advantage and such a state of uncertainty results in confusion being worse confounded. The overall and larger impact of all this is that public interest suffers.”



W.P.No.33691 of 2024

WEB COPY

10. Reliance also been placed by the respondents in judgment of the Hon'ble Supreme Court in *Civil Appeal No.6669 of 2019 arising out of SLP.No.14093 of 2019*, wherein, it had been held as follows :

"7. ... We have given our anxious consideration to the submissions made by the learned Senior Counsel for the respondent. The instructions issued by the Commission are mandatory, having the force of law and they have to be strictly complied with. Strict adherence to the terms and conditions of the instructions is of paramount importance. The High Court in exercise of powers under Article 226 of the Constitution cannot modify/relax the instructions issued by the Commission."

11. The instructions issued by the Commission are mandatory and the Court, in exercise of powers under Article 226 of the Constitution of India, cannot modify or relax these conditions. The writ petition has to fail only owing to the petitioner not having affixed his signature in the answer sheet.

12. The learned counsel for the petitioner placed reliance on the order of a learned Single Judge in *C.Priyadarshini Vs. TNPSC and Another (W.P.No.32516 of 2023 decided on 07.12.2023)*, wherein, holding that one of the pages alone had not been signed and that the candidate had signed in other pages, the learned Single Judge had granted relief to that particular writ petitioner. The



W.P.No.33691 of 2024

learned counsel for the respondents however stated that the said observation of the

learned Single Judge had been stayed by the Division Bench in **C.M.P.No.5773 of 2024 in W.A.No.833 of 2024 vide order dated 13.03.2024.**

13. The learned counsel for the respondents placed reliance on the order of this Court in *S.Priya Vs. The Secretary, TNPSC, Chennai (W.P.No.6558 of 2024 decided on 14.03.2024)*, wherein, a learned Single Judge had dismissed the writ petition, for violation of the instructions by the applicant. It had been stated that the petitioner therein had failed to affix her signature in the answer sheet and therefore, the answer sheet was not valid.

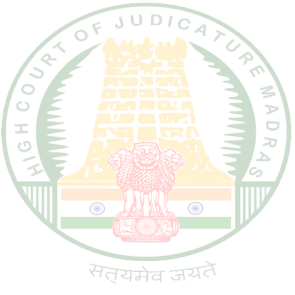
14. I am not able to grant the relief sought and accordingly, this writ petition stands dismissed. No costs. Connected W.M.Ps. are closed.

07.03.2025

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Index : Yes

Neutral Citation : Yes



W.P.No.33691 of 2024

C.V.KARTHIKEYAN, J.

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To

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The Tamil Nadu Public Service Commission

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V.O.C.Nagar, Chennai 600 003

2.The Controller of Examination

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W.P.No.33691 of 2024

07.03.2025

10/10