

**Central Administrative Tribunal
Madras Bench**

**MA/310/00197/2016 & MA/310/00931/2016 (in)(&) OA/310/01491/2011 a/w
OA/310/01536/2011, OA/310/00267/2012, OA/310/00368/2012,
OA/310/00089/2013, OA/310/00413/2013 & OA/310/01964/2017**

Dated 1st day of October Two Thousand Nineteen

P R E S E N T

**Hon'ble Mr. P.Madhavan, Member(J)
&
Hon'ble Mr.T.Jacob, Member(A)**

OA 1491/2011

1. P.Rajakumaran
18, Marthamman Koil Street,
G.N.Palayam, Puducherry.
2. V.Jayabalaji,
16, Ambedkar Street,
Uthirivakinipet,
Puducherry. .. Applicants

By Advocate M/s J.Srinivasa Mohan

Vs.

1. The Union Territory of Puducherry,
rep. by the Chief Secretary to Govt.,
Pondicherry-1.
2. The District Collector,
Department of Revenue & Disaster Management,
Government of Puducherry,
Puducherry.
3. Mr.Udhayaraj
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
4. Mr.Kumaravel.K,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
5. Ms.Predeevi.A,

- Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
6. Mr.D.Venkataraman,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 7. Mr.R.Sellamuthu,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 8. Mr.K.Gopalakrishnan,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 9. Ms.K.Bhuvaneswari,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 - 10.Mr.Mathan Kumar,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 - 11.Ms.M.Shalini,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 - 12.Mr.Ramachandran.C,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 - 13.Mr.J.Ravi Prakash,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 - 14.Mr.A.Jothimani,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 - 15.Mr.S.Couppan
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 - 16.Mr.S.Manikandan,
Deputy Tahsildar,

Department of Revenue & Disaster Management,
Puducherry.

17. Mr. D. Silambarasa,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
18. Ms. N. Shanthi,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
19. Mr. M. Shanmuganandham,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
20. Mr. Sendhilnathan. H,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
21. Mr. U. Segar,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
22. Mr. D. Santoche Coumar
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
23. M. Tamizh Selvan,
S/o Maya Krishnan,
No. 2, 4th Street, Periyar Nagar,
Manaveli, Ariyankuppam,
Puducherry 605 007.
24. P. Muthukumaran,
S/o D. Perumalsamy,
No. 17, North Anaikarai,
Sokkanathanpet,
Puducherry 605 009.
25. S. Rathinaraj,
S/o S. Selvaraj,
Old No. 270, New No. 23, Airport Road,
Ashok Nagar, Lawspet,
Puducherry-605. .. Respondents in OA(R23-25 applicants in MAs
197&931/16) (R1-22 respondents in MAs)

By Advocate **Mr. R. Syed Mustafa, Mr. Manimaran, Mr. Annadurai,**
M/s. R. Saravanam, M/s. V. Vijay Shankar, M/s. S. Arun
OA 1536 /2011

K.Sendhil Kumar,
S/o V.K.N.Kandiah,
Plot No.24, New No.13,
Bharadhidasan Street,
Kamaraj Nagar,
Puducherry-11.

.. Applicant

By Advocate **M/s.J.Srinivasa Mohan**
Vs.

1. The Union Territory of Puducherry,
rep. by the Chief Secretary to Govt.,
Pondicherry-1.
2. The District Collector,
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Puducherry.
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Puducherry.
4. Mr.Kumaravel.K,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
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5. Ms.Predeevi.A,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
6. Mr.D.Venkataraman,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
7. Mr.R.Sellamuthu,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
8. Mr.K.Gopalakrishnan,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
9. Ms.K.Bhuvaneswari,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
- 10.Mr.Mathan Kumar,

- Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
11. Ms. M. Shalini,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 12. Mr. Ramachandran. C,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 13. Mr. J. Ravi Prakash,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 14. Mr. A. Jothimani,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 15. Mr. S. Couppan
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 16. Mr. S. Manikandan,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 17. Mr. D. Silambarasa,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 18. Ms. N. Shanthi,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 19. Mr. M. Shanmuganandham,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 20. Mr. Sendhilnathan. H,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 21. Mr. U. Segar,
Deputy Tahsildar,

Department of Revenue & Disaster Management,
Puducherry.

22.Mr.D.Santoche Coumar

Deputy Tahsildar,

Department of Revenue & Disaster Management,
Puducherry.

23.M.Tamizh Selvan,

S/o Maya Krishnan,

No.2, 4th Street, Periyar Nagar,

Manaveli, Ariyankuppam,

Puducherry 605 007.

24.P.Muthukumaran,

S/o D.Perumalsamy,

No.17, North Anaikarai,

Sokkanathanpet,

Puducherry 605 009.

25.S.Rathinaraj,

S/o S.Selvaraj,

Old No.270, New No.23, Airport Road,

Ashok Nagar, Lawspet,

Puducherry-605.

.. Respondents

By Advocate **Mr.R.Syed Mustafa, Mr.Manimaran, Mr.Annadurai,**
M/s.R.Saravanan, M/s.S.Arun(R25)

OA 267/2012

1. Prem Prakash,
S/o Natarajan,
No.6, Pathar Street,
Thondamanatham,
Puducherry.
2. V.Vijay Prasanna,
S/o K.Viswanathan,
No.40, III Cross, V.S.Nagar,
Madukarai, Puducherry.
3. P.Kumaran,
S/o S.Purushothaman,
No.11, Mullai Street,
Bharathi Nagar,
Ariyankuppam,
Puducherry.
4. L.Jothi
S/o Lingesan,
No.63, North Street,
Pooranankuppam,
Puducherry.

5. S.Tharanivel,
S/o Sivalingam,
No.82, Convent Street,
Nellithoppu,
Puducherry.

.. Applicants

By Advocate M/s.V.Ajayakumar

Vs.

1. Union of India, rep by the
Govt. of Puducherry through the
Secretary to Govt. for DP&AR,
Chief Secretariat, Puducherry.
2. Secretary to Govt. for the Department of Revenue &
Disaster Management, Chief Secretariat,
Puducherry.
3. The Special Secretary (Revenue),
Department of Revenue & Disaster Management,
Puducherry.
4. Mr.Udhayaraj
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
5. Kumaravel,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
6. Ms.Predeevi.A,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
7. Mr.D.Venkataraman,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
8. Mr.R.Sellamuthu,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
9. Mr.K.Gopalakrishnan,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
10. Ms.K.Bhuvaneswari,
Deputy Tahsildar,

- Department of Revenue & Disaster Management,
Puducherry.
11. Mr. Mathan Kumar,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 12. Ms. M. Shalini,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 13. Mr. Ramachandran. C.,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 14. Mr. J. Ravi Prakash,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 15. Mr. A. Jothimani,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 16. Mr. S. Couppan
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 17. Mr. S. Manikandan,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 18. Jancy Rani. R.,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 19. N. Shanthi,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 20. Mr. M. Shanmuganandham,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
 21. Mr. Sendhilnathan. H,
Deputy Tahsildar,
Department of Revenue & Disaster Management,

Puducherry.

22.Mr.U.Segar,

Deputy Tahsildar,

Department of Revenue & Disaster Management,
Puducherry.

23.Mr.D.Santoche Coumar

Deputy Tahsildar,

Department of Revenue & Disaster Management,
Puducherry.

.. Respondents

By Advocate **Mr.R.Syed Mustafa, Mr.Annadurai, M/s.R.Saravanan,
M/s.S.Arun(R25)**

OA 368 /2012

T.Senthil Kumar,

S/o K.Tillai Govindan,

No.8, Pattammal Nagar,

II Cross, Mudaliarpeta,

Pondicherry.

.. Applicant

By Advocate **M/s.J.Srinivasa Mohan**

Vs.

1. The Union Territory of Puducherry,
rep. by the Sepcial Secretary to Government (Revenue),
Department of Revenue & Disaster Management,
Union-Territory of Puducherry.
2. The District Collector,
Department of Revenue & Disaster Management,
Government of Puducherry,
U.T. of Puducherry.
3. Mr.Udhayaraj
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.
4. Kumaravel, K.
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.
5. Ms.Predeevi.A,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.
6. Mr.D.Venkataraman,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.

7. Mr.R.Sellamuthu,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.
8. Mr.K.Gopalakrishnan,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.
9. Ms.K.Bhuvaneswari,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.
- 10.Mr.Mathan Kumar,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.
- 11.Ms.M.Shalini,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.
- 12.Mr.Ramachandran,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.
- 13.Mr.J.Ravi Prakash,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.
- 14.Mr.A.Jothimani,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.
- 15.Mr.S.Couppan,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.
- 16.Mr.S.Manikandan,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.
- 17.Mr.D.Silambarasa,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.
- 18.Ms.N.Shanthi,

Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.

19. Mr. M. Shanmuganandhan,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.

20. Mr. Sendhil Nathan,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.

21. Mr. U. Segar,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.

22. D. Santoche Coumar,
Deputy Tahsildar,
Department of Revenue & Disaster Management,
U.T. of Puducherry.

.. Respondents

By Advocate **Mr. R. Syed Mustafa, Mr. Annadurai, M/s. R. Saravanan**

OA 89/2013

1. M. Senthil Kumar,
S/o V. Murugaiyan,
No. 15, 6th Cross,
Bharathidasan Nagar,
Mudaliarpet,
Puducherry 605004.
2. R. Rajalakshmi
D/o K. Rajasekaran,
Old No. A-3, New No. 176,
Vazhudavoor Road,
Gandhi Nagar,
Puducherry 605009.

.. Applicants

By Advocate **M/s. D. Ravichander**

Vs.

1. Union of India, rep by its
Secretary to Government,
DP&AR, Chief Secretariat,
Puducherry.
2. Secretary to Government,
Department of Revenue & Disaster Management,
Chief Secretariat, Puducherry.

3. The Special Secretary (Revenue),
Department of Revenue & Disaster Management,
Puducherry.

4. Udhayaraj
5. K.Kumaravel
6. A.Predeevi
7. D.Venkataraman
8. R.Sellamuthu
9. K.Gopalakrishnan
10. K.Bhuvaneswari
11. Mathankumar
12. M.Shalini
13. C.Ramachandran
14. J.RaviPrakash
15. A.Jothimani
16. S.Couppan
17. S.Manikandan
18. R.Jany Rani
19. N.Shanthi
20. M.Shanmuganandham
21. H.SendhilNathan
22. U.Segar
23. D.Santoche Coumar
24. M.Thamizh Selvan,
S/o Mayakrishnan,
No.2, 4th Street,
Periyar Nagar, Manaveli,
Ariyankuppam,
Puducherry 605 007.
25. P.Muthukumaran,
S/o D.Perumalsamy,
No.17, North Anaikarai Street,
Sokkanathanpet,
Puducherry 605 009.
26. S.Rathinaraj
S/o S.Selvaraj,
Old No.270, New No.23 Airport Road,
Ashok Nagar, Lawspet,
Puducherry 605 008.

.. Respondents

By Advocate **Mr.R.Syed Mustafa (R1-3)**, **M/s.K.Annadurai (R4-23)**, **M/s.Sai, Bharath & Ilan (R24-26)**

OA 413/2013

1. Arulkeerthi
S/o Moorthy,

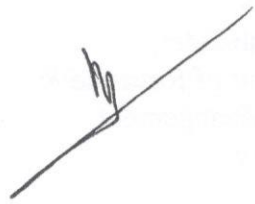
No.14, Vinayagar Koil Street,
Indira Nagar (Sokkanathanpet),
Pondicherry.

2. C.Karthigayan,
S/o Cannaiyan,
No.574, Shenbagaraman Street,
Ashok Nagar,
Lawspet,
Puducherry.


By Advocate **M/s.V.Ajayakumar**

Vs.

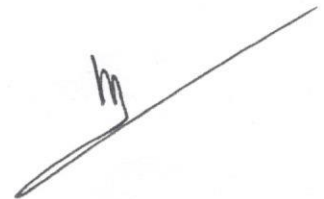
1. Union of India, rep by the
Govt. of Pondicherry through the
Secretary to Govt. for Department of Personal &
Administrative Reforms,
Chief Secretariat, Pondicherry.
2. Secretary to Govt. for the Department of Revenue &
Disaster Management,
Chief Secretariat, Puducherry.
3. The Sepcial Secretary (Revenue),
Department of Revenue &
Disaster Management,
Puducherry.
4. Udhayaraj,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
Puducherry.
5. Kumaravel.K,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
Puducherry.
6. Predeevi.A,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
Puducherry.
7. Venkataraman.D,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
Puducherry.



8. Sellamuthu.R,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
Puducherry.
9. Gopala Krishnan.K,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
Puducherry.
10. Bhuvaneswari.K,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
Puducherry.
11. Mathan Kumar,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
Puducherry.
12. Shalini.M,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
Puducherry.
13. Ramachandran.C,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
Puducherry.
14. Ravi Prakash.J,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
Puducherry.
15. Jothimani.A,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
Puducherry.
16. Couppan.S,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
Puducherry.



17. Manikandan.S,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
Puducherry.
18. Jancy Rani.R,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
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Deputy Tahsildar,
Department of Revenue &
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20. Shanmuganandham.M,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
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21. Sendhilnathan.N,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
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22. Segar.U,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
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23. Santoche Coumar.D,
Deputy Tahsildar,
Department of Revenue &
Disaster Management,
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24. M.Tamizh Selvan
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Puducherry 605 007.
25. P.Muthukumaran,
S/o D.Perumalsamy,
No.17, North Anaikarai Street,



Sokkanathanpet,
Puducherry 605 009.
26.S.Rathinaraj
S/o S.Selvaraj,
Old No.270, New No.23,
Airport Road, Ashok Nagar,
Lawspet, Puducherry 605 008.

By Advocate **Mr.R.Syed Mustafa (R1-3)**, **M/s.K.Annadurai (R4-23)**, **M/s.Sai Bharath & Ilan (R24-26)**

OA 1964/2017

S.Rathinaraj
S/o Selvaraj,
No.23, Dr.Ambedkar Salai,
Ashok Nagar, Lawspet,
Puducherry.
By Advocate **M/s.S.Arun**

.. Applicant

Vs.

1. Union of India,
Rep. by the Chief Secretary,
Chief Secretariat,
Puducherry 605001.
2. The Secretary to Govt. (Revenue),
Chief Secretariat,
Puducherry 605001.
3. The District Collector,
Puducherry.
4. Thiru H.Sendhilnathan,
The Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.
5. Thiru D.Santoche Coumar,
The Deputy Tahsildar,
Department of Revenue & Disaster Management,
Puducherry.

.. Resondents

By Advocate **Mr.R.Syed Mustafa (R1-3)**



ORDER

[Pronounced by Hon'ble Mr.P.Madhavan, Member(J)]

The above OAs were filed seeking the following relief:-

OA 1491/2011:

“(a) to call for the records of the 2nd respondent relating to the Select list dated 23.11.2010 in No.5884/Rev.Estt/A2/2010 and to quash the same.

(b) Consequentially direct the respondents to conduct re-examination and draw a fresh Select list pursuant thereto.

(c) And pass such other order as this Tribunal may deem fit in the circumstances of the case including costs and thus render justices.”

OA 1536 /2011:

“(a) to call for the records of the 2nd respondent relating to the Select list dated 23.11.2010 in No.5884/Rev.Estt/A2/2010 and to quash the same.

(b) Consequentially direct the respondents to conduct re-examination and draw a fresh Select list pursuant thereto.

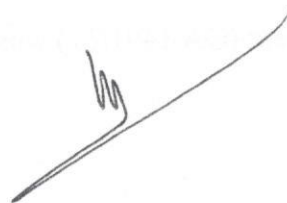
(c) And pass such other order as this Tribunal may deem fit in the circumstances of the case including costs and thus render justices.”

OA 267/2012:

“To call for the records of the respondents 1 to 3 in respect of the select list with No.5884/Rev.Estt/A2/2010 dated 23.11.2010 and to quash the same in respect of the selection of respondents 4 to 23 and consequently to direct the respondents 1 to 3 to appoint the applicants to the post of Deputy Tahsildar and to pass such other or further orders in the interest of justice and thus render justice.”

OA 368 /2012:

“(a) To set aside the impugned selection list of the 1st respondent in his order No.5884/Rev.Estt/A2/2010 dated 23.11.2010 and to quash the same.



(b) To direct the respondents to conduct re-examination and draw a fresh Select list pursuant thereto.

(c) Pass such further or other orders as this Court may deem fit and proper in the circumstances of the case and thus render justice."

OA 89/2013:

"...to call for the records of the third respondent relating in respect of select list No.5884/Rev.Estt/A2/2010 dated 23.11.2010 quash the same in respect of the selection of respondents 4 to 23 and to issue consequential directions to the respondents 1 to 3 to appoint the applicants to the post of Deputy Tahsildar and to pass such further or other orders as this Court deems fit and thus render justice."

OA 1964/2017:


"To appoint the applicant in the post of Deputy Tahsildar, Department of Revenue and Disaster Management, Puducherry, on fixing his seniority w.e.f. 23.11.2010, with all consequential benefits.

And pass such further or other orders as may be deemed fit and proper in the facts and circumstances of the case and thus render justice."

2. As the issue involved in all these applications is identical and the relief sought for also is similar, these applications have been heard together and are being disposed off by this common order.

3. The facts of the case in brief is as follows:-

The 2nd respondent had issued a notification (Annexure A1) dated 28.6.2010 for selection of 20 Deputy Tahsildars and the applicants herein had applied for the said post. After conducting a written examination, the respondents published a select list on 23.11.2010 (Annexure A4). The applicants, name were not there. The 2nd applicant (OA 1491/11) was shown in the waiting list for SC vacancy. Eventhough



applicants requested a copy of the mark list, the respondents did not furnish the same. The respondents had collected back the question papers also. Then the applicants filed an application under RTI Act for getting copy of the question paper, answer sheets and key. But the Public Information Officer refused to provide the answer keys and answer sheets (Annexure A5). An appeal was filed but it was also refused. In the meanwhile, the respondents appointed respondents No.3 to 22, the private respondents. A candidate by name Chandiravathanan had approached the Central Information Commission on 18.7.2011 (Annexure A10). Then on direction from Collector, the department provided copies of documents. The applicants also obtained the copies of question paper, answer sheets along with keys (Annexure A11 & A12) on 24.10.2011. The applicants found a lot of errors in the answer keys as well as in questions. Immediately, the applicants gave representations (Annexure A13 & A14) highlighting the errors and stating that the merit list published is not correct. According to the applicants, for nearly 25 questions the answers were wrong. In the questions, 15 numbers were also wrong. According to the applicants, they would have got at least 25 marks extra if it was properly evaluated. The answer keys and question papers were prepared in a callous manner. Many of the questions as well as answers provided were demonstratively wrong.

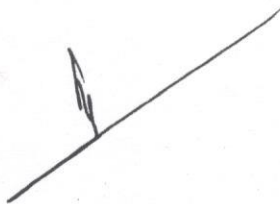
4. The official respondents entered appearance and filed a common reply. They admitted the conduct of examination and selection done in this case. There were 8886 candidates and examination was conducted on 21.11.10. Evaluation was done on 23.11.2010 and a merit list was published on 23.11.2010. The selected persons

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were appointed and they had joined duty. The written examination consisted Paper-I (150 questions) and Paper-II (150 questions). It was also admitted that the answer sheets, question booklet and hall ticket were collected back by invigilators after the examination was over. The applicants could have approached the authorities if there were wrong questions and answers. There is a delay of more than 6 months in filing this OA. It was stated that the respondents had constituted a Committee to verify the number of wrong questions and wrong keys and they found that there were 16 questions with wrong key in 1st paper and 9 wrong questions in the same paper. It was also found that 17 questions had wrong key and 11 questions were wrong in paper-II. It was submitted that respondents are going to re-evaluate the same and mistakes will be rectified.

5. Thereafter, the official respondents filed an additional reply. According to them, altogether 53 answers were wrong and a Committee for revaluation was constituted under the Chairmanship of a Sub-Collector and 3 other members. They prepared a correct key and identified the wrong questions and deleted 11 questions in paper-I and 6 questions in paper-II. Thereafter, a revaluation of the OMR sheets were undertaken for all the OMR sheets on 23.9.13 and 24.9.13 and prepared the select list dated 26.9.13.

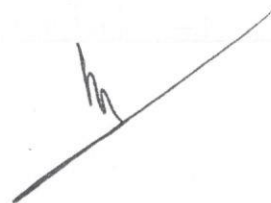
6. Thereupon, the applicants on OA 1491/11 and OA 1536/2011 filed objections as the re-valuation was not properly done. According to them, about 21 questions further needed corrections. The disputed questions and answers were filed (Annexure A 20, A21 & A22).



7. The official respondents filed an additional 2nd reply and stated that on the basis of the objections raised by the applicants they had constituted a Committee to examine the objections raised with 3 members and a re-evaluation of the answer paper was done on 21.6.17 and 22.6.17 and a revised merit list of the applicants was prepared as follows:-

Sl. No.	Hall Ticket No.	Name	Community	Horizontal reservation	Total Marks
GENERAL					
1	15099	Predeevi.A	MBC	-	228
2	18148	Udhayaraj	OBC	-	228
3	18528	Venkataraman.D	OBC	MSP	220
4	20864	Sellamuthu.R	MBC	-	219
5	16960	Shalini.M	OBC	-	218
6	11951	Gopinath.S	OBC	-	216
7	11051	Bhuvaneswari.K	MBC	-	216
8	11926	Gopalakrishnan.K	MBC	-	215
9	15397	Rajalakshmi.R	OBC	-	215
10	11395	Deviprasanna.K	GEN	MSP	214
11	15859	Raviprakash.J	GEN	XSM	204
MOST BACKWARD CLASS					
1	13815	Manikandan.S	MBC	-	214
2	14362	Muthukumar	MBC	-	212
3	13455	Lakshmikanth.A	MBC	-	212
4	12153	Ilango.R	MBC	-	211
OTHER BACKWARD CLASS					
1	13382	Kumaravel.K	OBC	-	221
2	11587	Elengo.M	OBC	XSM	201
SCHEDULED CASTES					
1	16811	Senthilnathan.H	SC	-	208
2	16697	Sekar.U	SC	-	199
3	15842	Rathinaraj.S	SC	-	193

A tabulation of the marks obtained by the applicants at the 2nd revaluation is produced before the Tribunal as follows:-



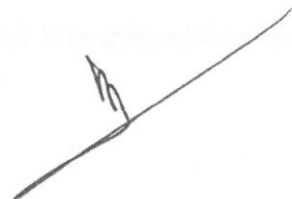
Mark Statement of Litigants in OA No.1491/2011 and Batch

Sl. No	O.A No.	Name of the Applicants	Hall Ticket No	Community	Marks obtained in											
					Original Evaluation done on 23.11.2010				1 st Re-evaluation done on 24.09.2013				2 nd Re-evaluation done on 22.06.2017			
					Paper-I	Paper-II	Total	Rank	Paper-I	Paper-II	Total	Rank	Paper-I	Paper-II	Total	Rank
1	1491/2011	1.P.Rajakumaran	15381	MBC	82	101	183	152	82	106	188	174	82	109	191	121
		2.V.Jayabalaji	12360	SC	79	109	188	95	79	115	194	108	79	114	193	104
2	1536/2011	K.Senthilkumar	16797	OBC	83	100	183	144	87	101	188	168	88	100	188	147
3	267/2012	1.N.Prem Prakash	15115	MBC	88	112	200	34	91	108	199	84	91	110	201	60
		2.V.Vijay Prasanna	18643	OBC	98	107	205	13	104	115	219	8	104	114	218	7
		3.P.Kumaran	13367	MBC	89	111	200	28	98	112	210	32	99	110	209	27
		4.L.Jothi	12601	MBC	86	99	185	119	85	104	189	153	83	101	184	202
		5.S.Tharanivel	17984	MBC	86	107	193	66	97	116	213	22	95	114	209	30
4	368/2012	T.Senthilkumar	16900	MBC	79	104	183	150	83	114	197	93	85	115	200	65
5	89/2013	1.M.Senthilkumar	16878	OBC	97	104	201	24	97	111	208	40	98	107	205	42
		2.R.Rajalakshmi	15397	OBC	89	111	200	33	95	122	217	14	95	120	215	14
6	413/2013	1.M.Arulkeerthy	10474	OBC	90	100	190	83	90	108	198	85	89	106	195	89
		2.C.Karthikeyan	12948	MBC	83	97	180	187	83	102	185	211	82	101	183	214

Respondents 3 to 22 filed a common reply statement denying the allegations in the OA. The answer sheets were evaluated by computers and there was no discrimination occurred. There had occurred only a few questions which had wrong answers and mistakes if any occurred was not intentional. This is an OA filed to humiliate the selected candidates who had already joined the service.

8. In this case, the counsel appearing for the official respondents had stoutly opposed any selection of candidates on the basis of revaluation. According to him, revaluation should not be adopted as a matter of course in these types of cases. According to him, Court should be extremely careful in adopting revaluation in a case. It can be ordered only if the statute or rule or regulation permits revaluation of the the answer sheets or scrutinising of the same. He mainly relies on the decision of the Hon'ble Apex Court in *Ran Vijay Singh & Others v. State of Uttar Pradesh & Others [(2018) 2 SCC 357]* in support of his argument. He also invited our attention to the case referred by the Supreme Court *Paritosh Bhupeshkumar Sheth v. Maharashtra State Board of Secondary and Higher Secondary Education [(1984) 4 SCC 27]* wherein it was held that principles of natural justice has no rule to play in these type of cases -

“12....The principles of natural justice cannot be extended beyond reasonable and rational limits and cannot be carried to such absurd lengths as to make it necessary that candidates who have taken a public examination should be allowed to participate in the process of evaluation of their performances or to verify the correctness of the evaluation made by the

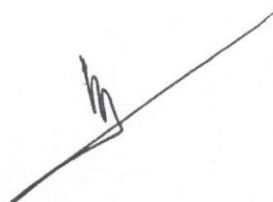


examiners by themselves conducting an inspection of the answer books and determining whether these has been a proper and fair valuation of the answers by the examiners.”

“16....The Court cannot sit in judgment over the wisdom of the policy evolved by the legislature and the subordinate regulation-making body.....”

“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.”

9. So, according to the respondents, the applicants cannot be permitted to have the benefit of revaluation and they are not entitled to get any appointment. It was also



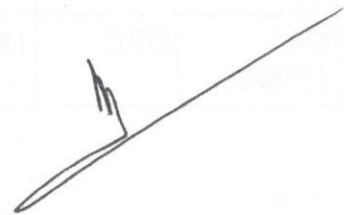
argued that, the applicants ought to have approached the authorities if they found that the questions and answer keys are defective. Instead of doing so, they had approached the Tribunal after more than 6 months. The persons who were selected were already appointed as per select list (Annexure A4) and they are in service. There is no allegation of any fraud or malpractice alleged by the applicants.

10. Accepting the revaluation at this long distance will seriously prejudice R3 to R22 who were already appointed more than 8 years ago.

11. Advocate Srinivasa Mohan, the counsel appearing for the applicants in OA 1491/11 and OA 368/12, would contend that even according to the decision relied on by the respondents referred supra, wherein the Hon'ble Supreme Court quoting from *Kanpur University v. Samir Gupta [(1983) 4 SCC 309]* had observed that "the key answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well-versed in the particular subject would regard as correct."


From this it can be seen that a revaluation can be conducted when the answer keys and questions are demonstrably wrong.

12. In this case, though the applicants had filed an MA 525/13 for getting their answer papers verified, the respondents themselves had come forward to conduct a scrutiny of the questions and answer keys provided and informed the court in reply that they are ready to rectify the mistake, if any, occurred. According to the counsel, they found nearly 25 answers were wrong and about 15 questions were also wrong.



If the question and answers were correct, the applicants ought to have got at least 25 marks in addition to the marks awarded. According to them, many of the questions and answers were demonstrably wrong and they had pointed it out in the application. It is because of that, the official respondents voluntarily conceded to constitute committees for rectifying the mistakes and conducted the revaluation even without an order from the Court. Further, he would contend that, even according to the respondents, there is no specific rules or regulations prescribing the mode of conducting the examination in this case. There is no rule also prohibiting revaluation. The Committee constituted found that in paper-I, there were 16 questions with wrong keys and in paper-II 17 questions had wrong keys and 11 questions were wrong. They deleted some questions in paper-I and in paper-II which were wrong. It was thereafter, they re-evaluated the OMR sheets and a list was prepared on 26.9.13. But the applicants filed their objections regarding 22 questions and the respondents after verification again re-evaluated the answer paper in July 2017. The result of the second revaluation shows the position of the applicants thus:-

OA No. & Name of the applicant	Category	Original marks	1 st revaluation	2 nd revaluation
OA 1491/11 Jayabalaji	SC	188	194	193
OA 1491/11 Rajakumar an	OBC	183	188	191
OA 1536/11	OBC	183	188	188



Senthil Lumar.K				
OA 368/12 T.Senthil Kumar	MBC	183	197	200

The cut off marks in the original list for MBC was 201, OBC-215 and SC-189.

13. The applicants are entitled to get the marks for the deleted questions as per decision taken by the respondents. The Committee then ought to have added the marks of deleted questions to the total marks for the questions. The counsel relies on the decision of the Hon'ble Supreme Court in *Richal & Others etc. v. Rajasthan Public Service Commission & Others reported in 2018 (8) SCC 81* wherein it was held as follows:-

“21. One of the submissions raised by the appellants is that marks of deleted questions ought not to have been redistributed in other questions. It is submitted that either all the candidates should have been given equal marks for all the deleted questions or marks ought to have been given only to those candidates who attempted those questions.

22. The questions having been deleted from the answers, the question paper has to be treated as containing the question less the deleted questions. Redistribution of marks with regard to deleted questions cannot be said to be arbitrary or irrational. The commission has adopted a uniform method to deal with all the candidates looking to the number of the candidates. We are of the view that all the candidates have been benefited by the redistribution of marks in accordance with the number of correct answers which have been given by them. We, thus, do not find any fault with redistribution of marks of the deleted marks. The High Court has rightly approved the said methodology.”

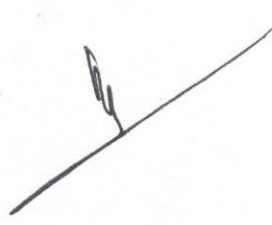


Here in this case, only the applicants suffered due to deletion and they all are entitled to get additional marks by re-distributing the marks of the deleted questions. The respondents are bound to do this.

14. As regards the question of the 20 persons already selected, the counsel appearing for the applicants had in a way admitted that now the middle path as observed by the Hon'ble Supreme Court in *Ran Vijay Singh v. State of U.P. (referred supra)* that -

"34. Having come to the conclusion that the High Court (the learned Single Judge as well as the Division Bench) ought to have been far more circumspect in interfering and deciding on the correctness of the key answers, the situation today is that there is a third evaluation of the answer sheets and a third set of results is now ready for declaration. Given this scenario, the options before us are to nullify the entire re-evaluation process and depend on the result declared on 14.9.2010 or to go by the third set of results. Cancelling the examination is not an option. Whichever option is chosen, there will be some candidates who are likely to suffer and lose their jobs while some might be entitled to consideration for employment.

35. Having weighed the options before us, we are of the opinion that the middle path is perhaps the best path to be taken under the circumstances of the case. The middle path is to declare the third set of results since the Board has undertaken a massive exercise under the directions of the High Court and yet protect those candidates who may now be declared unsuccessful but are working as Trained Graduate Teachers a result of the first or the second declaration of results. It is also possible that consequent upon the third declaration of results some new candidates might get selected and should that happen, they will need to be accommodated since they were erroneously not selected on earlier occasions."



has to be followed.

15. As regards the delay in filing the petition, the counsel pointed out that the respondents had taken back even the question paper after examination and they had to go up to the "Information Commissioner" for getting copies of question paper, answer key used and answer sheet in this case. It was only after verification of these documents they could make a specific complaint and there is no latches on their part. The respondents cannot deny these facts (vide Annexure A5, A6 & A7). In the meanwhile, the respondents appointed the selected candidates and the present applicants had to file OAs to mitigate their grievances.

16. We had perused the pleadings and annexures produced and the mark lists produced by the official respondents before this Tribunal. In this case, we see that the respondents had filed a reply acceding to the claim raised by the applicants in the MA for revaluation and had constituted Committees to go into the correctness of questions and answer keys and they had conducted 2 revaluation without any objections. They had also admitted that there does not exist any rules or regulations regarding the mode of conducting examination or how the answer papers to be evaluated. There is also no prohibition prescribed against revaluation if necessary. On a perusal, we find that many of the questions as well as answers were demonstrably wrong and the Committee conceded the fact by conducting a revaluation. The Hon'ble Supreme Court in *Ran Vijay Singh v. State of U.P.* (referred supra) had held that-

"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."

The counsel for the respondents cannot now contend after conceding the substantial errors and conducting revaluation as requested by the applicants, that they are not entitled to get the benefit of revaluation already done by the official respondents. So, there is no merit in the contention of the counsel for the respondents in this respect.

17. As regards the delay occurred also, the applicants (except in OA 1964/17) had satisfactorily explained the reasons for the delay in approaching the authorities. As regards the applicant Ratnaraj (OA 1964/17), it can be seen that he entered the fray seeing that he may also get some benefits after the 1st revaluation is over. As far as this applicant is concerned, his case is clearly barred by laches and delay and he is not entitled to get any benefit.

18. The counsel for the respondents would argue that even after 2nd revaluation, the applicants had not come up in the merit list above the cut off marks. It has to be noted that the respondents had not given the marks which they ought to have given for the deleted questions. The respondents have no case, that they have distributed the marks of the deleted questions as observed by the Hon'ble Supreme Court in *Richal & Others etc. v. Rajasthan Public Service Commission & Others reported in 2018 (8) SCC 81* case. Only after the distribution of the marks for the deleted questions and preparation of the select list, it can be ascertained that how many applicants have got marks above the cut off marks in each category. This process is not completed in this case.



19. In *Rajesh Kumar & Others v. State of Bihar & Others* reported in [(2013) 4 SCC 690], the Hon'ble Apex Court had occasion to consider how if anybody is selected after revaluation to be dealt with. Para 22.2, 22.3 & 22.4 of the judgment reads as follows:-

"22.2. Candidates who figure in the merit list but have not been appointed shall be offered appointments in their favour. Such candidates would earn their seniority from the date the appellants were first appointed in accordance with their merit position but without any back wages or other benefit whatsoever.

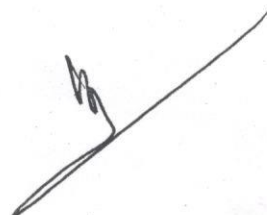
22.3 In case the writ petitioners, Respondents 6 to 18 also figure in the merit list after re-evaluation of the answer scripts, their appointments shall relate back to the date when the appellants were first appointed with continuity of service to them for purpose of seniority but without any back wages or other incidental benefits.

22.4. Such of the appellants as to not make the grade after re-evaluation shall not be ousted from service, but shall figure at the bottom of the list of selected candidates based on the first selection in terms of Advertisement..."

In this case also there are chances for some of the applicants to come up in merit list but have not been appointed. The principle stated in para 22.2 mentioned earlier in the Supreme Court decision will be made applicable to them.

20. In the result, we find merit in the OAs 1491/11, 1536/11, 368/12, 267/12 and 89/13 and they are disposed off with the following directions:-

"1. The official respondents will complete the process of revaluation after distributing the marks due to be given for deleted questions equally to the remaining questions and publish the merit list of the applicants in OA 1491/11, OA 1536/11, OA 368/12, OA 267/12 and 89/13 within a period of three months



from the date of receipt of a copy of this order.

2. If any of the applicants come up in the merit list, they will be offered appointment and such candidates will get their seniority from the date, the date when the initial appointment was given to others without any backwages. Consequently the MAs are also disposed off.

3. With regard to OA 1964/2017 it is hit by latches and delay and the applicant did not challenge the merit list till the applicants in other OAs have got 1st revaluation. He has not come up in the 2nd revaluation. So, OA 1964/2017 is also liable to be dismissed. Hence, OA 1964/17 will stand dismissed. No costs."