



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

ORDER RESERVED ON : 24.11.2023

ORDER PRONOUNCED ON : 29.11.2023

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).Nos.8113, 10235, 10455, 10456,10851, 12410, 12706,12712, and
13352 of 2023**

**and
W.M.P(MD).Nos.9089 of 2023**

W.P(MD).No.8113 of 2023

R.Jeya Rani

...Petitioner

Vs

1.The State of Tamil Nadu
Represented by its Secretary
Department of School Education
Fort St.George, Chennai 09

2.The Teachers Recruitment Board
represented by its Chairman
4th Floor, EVK Sampathmalikai
College Road, Chennai 06

...Respondents

Prayer in WP(MD).No.8113 of 2023: This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Declaration, directing the second respondent herein to declare the Key Answer to Question Nos.3 and 5 in TNTET Paper -II Tamil -Maths and Science are wrong in so far as the petitioner is concerned and award one mark to the petitioner for the Question No.3 in TNTET Paper II Tamil-Maths and Science.



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

Prayer in WP(MD).No.8113 of 2023

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For Petitioner : M/s.A.Amala

For R1 : Mr.N.GA.Natraj
Government Advocate

For R2 : Mr.Veera.Kathiraven
Additional Advocate General
Assisted by Mr.VR.Shanmuganathan
Standing Counsel

COMMON ORDER

W.P(MD).Nos.8113,10235,10455, 10456,10851, 12410, 12706,12712, and 13353 of 2023 have been filed by the candidates who appeared for Paper-II in Tamil Nadu Teachers Eligibility Test examination conducted online on various dates in February-2023.

2.The petitioners have prayed for writ of declaration that certain questions have been wrongly framed and the final answer keys published by the Teachers Recruitment Board on 28.03.2023 are wrong for several questions. The petitioners have sought for a mandamus to re-evaluate their answer sheets and award marks and declare them as successful in Paper-II TNTET examination

3.The grievance of the petitioners in each of the writ petitions are as follows:

(i)WP(MD).No.8113 of 2023

The petitioner contends that the Question No.3 has been wrongly



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706, 12712, and 13352 of 2023

framed and the final answer key for Question No.5 is wrong. The petitioner had contended that she had secured 81 marks and in case, if marks are awarded correctly to these questions, she would get qualified.

(ii)W.P(MD).No.10235 of 2023:

The petitioner had contended that Question No.60 is out of syllabus and the key answer for Question Nos.126 and 132 are wrong. She had already secured 81 marks and if marks are allotted to her properly, considering the correct answer, she would get qualified.

(iii)WP(MD).No.10455 of 2023:

The petitioner had contended that Question Nos.3 and 150 have been wrongly framed and the final answer key to Question Nos. 29 and 147 are wrong. The petitioner had already secured 81 marks and if the marks are awarded to these four questions, he would get qualified.

(iv).WP(MD).No.10456 of 2023:

According to the petitioner, the final key answer for Question Nos.5, 74 and 79 are wrong. She had already secured 81 marks. If the marks are properly awarded to these three questions, she would get qualified.

(v).WP(MD).No.10851 of 2023:

According to the petitioner, Question No.62 is out of syllabus and Question No.69 has been wrongly framed. The petitioner had already



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

secured 79 marks and in case, if the marks are awarded to these questions, she would get qualified.

(vi)WP(MD).No.12410 of 2023:

According to the petitioner, Question Nos.7,4, 118 and 124 have been wrongly framed and the key answer to Question Nos.63 and 67 are wrong. The petitioner had already secured 78 marks and in case, if marks are awarded to her for the above said questions, she would get qualified.

(vii)WP(MD).No.12706 of 2023:

According to the petitioner, the key answer for Question Nos. 3,7,11,19,20,23,24,29,36,38,41,52,57,59,60,62,63,67,70,73,83,89,90,91,103, 111,114,115,124,129,130,131,133,138,139,140 and 142 are wrong. The petitioner had already secured 73 marks. In case, if the marks are evaluated to these questions, the petitioner would get qualified.

(viii).WP(MD).No.12712 of 2023:

The final answer key to Question No.137 is wrong. The petitioner having secured 81 marks, if marks are allotted to her for Question No.137, she would get qualified.

(ix)WP(MD).No.13352 of 2023:

According to the petitioner, the key answer to Question No.135 is wrong. He had already secured 81 marks and if mark is award to him for



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

Question No.135, he would be qualified.

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4.Contentions of the learned counsels for the writ petitioners are as follows:

(i)The tentative answer keys were published by the Teachers Recruitment Board on 22.02.2023 calling for objection to be submitted on or before 25.02.2023. All the petitioners have raised their objections with regard to framing of questions or with regard to the tentative answer keys to the Teachers Recruitment Board within the time specified. Without properly appreciating the said objections, the final answer keys have been published by the Board on 28.03.2023. Based upon the final answer keys, the mark statements have been uploaded.

(ii)The learned counsels appearing for the petitioners relied upon certain standard books on the relevant subject or the books published by the Tamil Nadu Textbooks Society from 6th to 12th standards and contend that the final answer keys are not in consonance with the said standard books and the textbooks.

(iii)The Board has not placed on record the name of the experts or the standards books or textbooks relied upon those experts for arriving at the final answer keys. Hence, there is no transparency on the part of the board in publishing the final answer keys disregarding the objection raised by the



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

candidates.

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(iv) Though it is mentioned in the Notification that the questions would be at the level of 6th to 8th standards, in some cases, the questions are outside the syllabus and therefore, the marks ought to have been awarded to the said relevant questions irrespective of wrong answers. If the Board does not consider the objections raised by the candidates, but solely relied upon the experts whose opinion are credential have not been made public, the candidates would be put to great hardship.

(v) When the petitioners specifically relied upon the standard books on the relevant subject and the books published by the Tamil Nadu Textbooks Society (which is the book prescribed for the students), the experts cannot rely upon a different book to arrive at an answer which is beyond the syllabus and contrary to the textbooks.

(vi) The textbooks are published by Tamil Nadu Textbooks Corporation which is a Government entity and therefore, the candidates have every right to rely upon the said textbooks in order to support the answers given by them to the relevant questions. In some cases, the experts are relying upon the textbooks and in other cases, the experts take a different view relying upon some other books, which is not known to the candidates. Therefore, no format is being followed by the experts in giving opinion for the objections raised by



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706, 12712, and 13352 of 2023

the candidates.

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(vii)The examinations are online/computer based and they were more than 20 sessions. Each session had a different question paper. Therefore, the answer sheets could not be valued on a single scale which would jeopardise the interest of the petitioners. No steps have been placed by the Board to normalise the marks obtained by the different candidates who had appeared in different sessions with different set of question papers.

(viii)The petitioner had relied upon the judgment of the learned Single Judge of this Court in ***WP(MD).No.22129 of 2022 dated 02.11.2022 (K.Vinopratha Vs. The Teachers Recruitment Board and another)*** wherein, this Court has interfered in the writ petition and had proceeded to hold that when the final key answer is patently wrong, the Court cannot shut its eyes and refuse to set it aside.

(ix)The learned counsel for the petitioners had further relied upon a Division Bench Judgment of our High Court in ***W.A.No.2364 of 2022 (T.Udaykumar Vs.The Union of India and others)*** dated 19.10.2022 wherein the Hon'ble Division Bench was pleased to award four grace marks to the writ petitioner NEET(UG)-2022 examination considering the fact that the key answer to a particular question is wrong.



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

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(x)Therefore, this Court does not lack jurisdiction to evaluate the expert opinion to arrive at a conclusion whether the key answer arrived at by the experts are correct or not.

(xi)The view of the experts cannot be considered to a gospel truth when the key answer are demonstrably wrong and this Court can very well pierce through the expert opinion and can arrive at a different opinion. This Court can very well consider the materials placed on record by the candidates through standard books and textbooks published by the Tamil Nadu Government to arrive at a finding that the expert opinion are wrong.

(xii)The Board cannot hide themselves behind the expert opinion and contend that the key answer finalised by them alone are correct and they will not permit further scrutiny. Merely because the experts in a particular subject have rendered a particular opinion (it continues to be an opinion) and it does not prevent the Court from evaluating whether the said questions are correct or not in the light of the standards books or textbooks placed on record by the writ petitioners.

(xiii)The learned counsel for the petitioners had relied upon a judgment of the Hon'ble Supreme Court reported in **(2018) 2 SCC 357 (Ran Vijay Singh & others Vs. State of U.P and others)** wherein in paragraph No.30 (ii) it is held that even though there is no provision for re-evaluation, the Court



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706, 12712, and 13352 of 2023

may permit such re-evaluation only if it is established that a material error has been committed. In the present case, as demonstrated by the petitioners, some of the questions are out of syllabus, some of the questions have been wrongly framed and for many questions, the key answers are wrong. Therefore, this Court does not lack jurisdiction to consider the issue of interfering in the result.

(xiv) The Court may even appoint another expert committee to re-evaluate the questions which are in dispute so that a correct conclusion can be arrived. Hence, the petitioners prayed for re-evaluation of their answer sheets in the light of their objections raised to the respective questions, to award marks and to declare them as qualified in Paper-II.

**5.Contentions of the learned Additional Advocate General
appearing for the State are as follows:**

(i)The examination was conducted by the Teachers Recruitment Board on 15.02.2023 and the tentative answer keys were published on 22.02.2023. Several objections were received from the candidates till 25.02.2023. These objections were placed before an expert body consisting of more than 100 experts on various subjects. After evaluating the questions and the tentative key answers, they have accepted 15 objections and revised the answer keys. Based upon their opinion, final answer keys were published on 28.03.2023.



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706, 12712, and 13352 of 2023

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Therefore, the contention of the writ petitioners that their objections were not properly considered or the tentative answer keys were not revised is not correct.

(ii)The very fact that the tentative key answer to 15 questions were revised by the Board on the basis of the expert opinion would reveal that the Board has accepted the fact that there are some errors on the tentative key answer and they have rectified the same and published the final key answer.

(iii)The petitioners have never alleged that their objections have not been considered. The primary objections of the petitioners is that the key answers arrived at by the experts are not correct in the light of certain books placed on record by the candidates.

(iv)The learned Additional Advocate General had relied upon the judgement of the Hon'ble Supreme Court reported in **2018) 2 SCC 357 (Ran Vijay Singh & others Vs. State of U.P and others)** particularly paragraph No.30 and contended that the Court should not re-evaluate the answer sheets in view of the fact that it has no expertise in the academic matters and he had further contended that the Court should presume the correctness of the key answers and in case of any doubt, the benefit would go only to the exam conducting body and not to the candidates.

(v)The learned Additional Advocate General also relied upon a



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

judgment of the Hon'ble Supreme Court reported in **2018 7 SCC 254**
(*U.P.S.C, through its Chairman and another Vs. Rahul Singh &
another*) and contend that the onus is upon the candidates to establish that
the key answer is not only incorrect but it is also a glaring mistake. He had
further contended that the Judges cannot take the role of experts in the
academic matters.

(vi)He had further contended that 2,54,224 candidates appeared for the
examination. Out of the said candidates, only 18 candidates have filed the
writ petitions challenging the final answer keys before the Madurai Bench
and 20 candidates have filed the writ petitions before the Principal Seat.
Other than these candidates, none of them have chosen to challenge the final
answer keys published by the Board. At the instance of these 38 candidates,
the answer sheets cannot be re-evaluated. Hence he prayed for dismissal of
the writ petitions.

**6.Contentions of the learned Advocate appearing for the Teachers
Recruitment Board are as follows:**

(i)The Board after receiving objections from the candidates, had
constituted a expert body consisting of more than 100 experts from various
subjects to evaluate the objections raised by the candidates to the tentative
key answers.



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

WEB COPY

(ii) The experts have been chosen from different fields who are connected with the questions over which disputes were raised by the candidates. On the basis of the standard textbooks, these experts have arrived at the final key answers.

(iii) In fact, the objections raised with regard to 15 questions by the candidates were accepted by the expert body and they have chosen to revise the tentative key answers while publishing the final key answers. Therefore, this will show that the Board was not reluctant to consider the objections and to revise the key answers. If the tentative key answers to other questions were found to be erroneous by the expert body, the Board would have revised those answers also.

(iv) In some cases, the candidates have relied upon some books or guides published by the private parties to buttress their contentions that the final answers are erroneous. Therefore, the said contention cannot be considered upon by this Court.

(v) The qualifying examination is being conducted for teachers who are going to take classes for 6th to 10th standards. Therefore, the candidates cannot contend that they were expecting the questions from textbooks of the classes 6th to 8th standards for taking classes up to 10th standard. The candidates are expected to have adequate knowledge up to 12th standard, so that they can



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

handle the standards. Therefore, the experts have not found any one of the questions as out of syllabus.

(vi)The learned advocate requested the Court to consider the report filed by him on 27.11.2023 consisting of the expert body from various subjects who had evaluated the objections raised by the candidates. Hence, he prayed for dismissal of the writ petition.

7.I have considered the submissions made on either side and perused the material records.

8.Out of syllabus and erroneous framing of questions:

(I) Various petitioners have raised a grievance that some of the questions are out of syllabus and some of the questions have not been properly framed. The Hon'ble Supreme Court in a judgment reported in **(2018) 2 SCC 357 (Ran Vijay Singh & others Vs. State of U.P and others)** in paragraph No.31 has held as if an error is committed by the examination authority, the complete body of candidates suffer. The entire examination process does not deserve to be derailed only because some candidates feel that injustice has been caused to them by an erroneous question or an erroneous answer. Even assuming that such a question is out of syllabus or the questions have been erroneously framed, all the candidates who had appeared in the examination would suffer. The writ petitioners alone cannot



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706, 12712, and 13352 of 2023

claim that they have been put to hardship. Any award of marks to the writ petitioners would be doing injustice to other candidates who had understood the said question in a particular way and proceeded to answer the said question which had tallied with the final answer key published by the Teachers Recruitment Board.

(ii) A perusal of the Notification dated 07.03.2022 reveals that the questions in Tamil Nadu Teacher Eligibility Test (TNTET) Paper-II will be based on the topic of the prescribed syllabus of the State for Classes VI to VIII with their difficulty level as well as linkages up to the Higher Secondary Stage. Therefore, the contention of the petitioners that the questions were beyond the syllabus prescribed for Classes VI to VIII cannot be legally countenanced. Therefore, this Court is not inclined to accept the plea relating to out of syllabus questions and the questions that have been framed wrongly.

9. Erroneous answer keys:

(i) All the petitioners have contended that they have raised objections to the tentative answer keys and without considering their objections, the final answer keys have been published. When published final answer keys are demonstrably erroneous, this Court should interfere and set-right the same. The petitioners have also relied upon the judgment of the learned Single Judge of this Court in *WP(MD).No.22129 of 2019 (K.Vinopratha Vs. The*



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

Teachers Recruitment Board and another) dated 02.11.2022 and **W.A.No. 2364 of 2022 (T.Udhaykumar Vs. The Union of India and others)** dated 19.10.2022.

10.The petitioners have also relied upon paragraph No.30(ii) of the judgment of the Hon'ble Supreme Court reported in **(2018) 2 SCC 357 (Ran Vijay Singh & others Vs. State of U.P and others)** to contend that when material error has been committed and in rare or exceptional cases, this Court can interfere.

11.The learned counsel appearing for the Teachers Recruitment Board has placed on record the list of experts who were appointed to consider the objections raised by the candidates. A perusal of the said experts' details clearly indicate that they are either College Professors or Academicians or P.G.Assistants in their respective fields. Each one of the experts have considered the objections raised by the candidates on the relevant subject and has ultimately arrived at a finding that the tentative answer keys for 15 questions are erroneous and they have proceeded to revise the answer keys. Based upon the said revised final answer keys, the Teachers Recruitment Board has proceeded to award marks.

12.In some cases, the petitioners have relied upon some standards textbooks on the relevant subject or textbooks published by Tamil Nadu



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

Textbooks Corporation to buttress their contentions that their answers are correct and the answers finalised by the experts are not correct.

13. On going through the expert details submitted by way of a report, this Court finds that there are no reason to suspect the credentials of those experts. This Court cannot sit on appeal as against the expert opinion and adjudicate upon an academic issue whether the answers finalised by the expert body is correct or the answer that is projected by the candidates are correct.

14. The Hon'ble Supreme Court in a judgment reported in **(2018) 2 SCC 357 (Ran Vijay Singh & others Vs. State of U.P and others)** in paragraph No.30 has summarised the law on the jurisdiction of the Court to interfere in the academic issue which is extracted as follows:

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

(i) 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;

(ii) 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 demonstrably very clearly, without any “inferential process of reasoning



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

or by a process of rationalisation” and only in rare or exceptional cases that a material error has been committed;

(iii) 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; (iv) The Court should presume the correctness of the key answers and proceed on that assumption; and

(v) In the event of a doubt, the benefit should go to the examination authority rather than to the candidate. “

15.The Hon'ble Supreme Court in a judgment reported in **2018 7 SCC 254 (U.P.S.C, through its Chairman and another Vs. Rahul Singh & another)** after following the judgment of the Hon'ble Supreme Court reported in **(2018) 2 SCC 357 (Ran Vijay Singh & others Vs. State of U.P and others)**, in paragraph Nos.12, 13 and 14 has held as follows:

“12. The law is well settled that the onus is on the candidate to not only demonstrate that the key answer is incorrect but also that it is a glaring mistake which is totally apparent and no inferential process or reasoning is required to show that the key answer is wrong. The Constitutional Courts must exercise great restraint in such matters and should be reluctant to entertain a plea challenging the correctness of the key answers. In Kanpur University case (supra), the Court recommended a system of - (1) moderation; (2) avoiding ambiguity in the questions; (3) prompt decisions be taken to



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W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

exclude suspected questions and no marks be assigned to such questions.

13. As far as the present case is concerned even before publishing the first list of key answers the Commission had got the key answers moderated by two expert committees. Thereafter, objections were invited and a 26 member committee was constituted to verify the objections and after this exercise the Committee recommended that 5 questions be deleted and in 2 questions, key answers be changed. It can be presumed that these committees consisted of experts in various subjects for which the examinees were tested. Judges cannot take on the role of experts in academic matters. Unless, the candidate demonstrates that the key answers are patently wrong on the face of it, the courts cannot enter into the academic field, weigh the pros and cons of the arguments given by both sides and then come to the conclusion as to which of the answer is better or more correct.

14. In the present case we find that all the 3 questions needed a long process of reasoning and the High Court itself has noticed that the stand of the Commission is also supported by certain text books. When there are conflicting views, then the court must bow down to the opinion of the experts. Judges are not and cannot be experts in all fields and, therefore, they must exercise great restraint and should not overstep their jurisdiction to upset the opinion of the experts.



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

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16.A combined reading of the judgments of the Hon'ble Supreme Court would reveal the following prepositions of law:

(i)The Court has to presume the correctness of the answer keys and proceed on their assumption and in cases of any doubt, benefit would go to the examining authority and not to the candidates.

(ii).It is completely beyond the jurisdiction of the Court to ascertain the correctness of answer keys.

(iii)The entire burden is upon the candidates to demonstrate that the key answers are incorrect and it is a glaring mistake which is totally apparent.

(iv)It is the burden of the candidates to establish that the mistake is apparent and no inferential process or reasoning is required to show that the key answer is wrong.

(v)When a long process of reasoning is required, the Court should not enter into the academic field and come to a conclusion as to which of the answer is better or more correct.

(vi)Even in such cases, when there are conflicting views, the Court has to bow down to the opinion of the experts.

17.The petitioners have relied upon the judgment of the Hon'ble Division Bench of our High Court in ***W.A.No.2364 of 2022 (T.Udaykumar Vs.The Union of India and others)*** dated 19.10.2022 wherein the Hon'ble



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

Division Bench was pleased to award four marks to a candidate in NEET (UG)-2022 examination. A perusal of the facts which are reflected in paragraph No.11 will clearly indicate that even the examining authority has admitted that the key answer to a particular question was wrong. Only based upon the admission made by examining authority, the Court has proceeded to award grace marks. It is not applicable to the facts of the present case.

18.The learned counsel for the petitioners have relied upon a judgement of the learned Single Judge of this Court in ***WP(MD).No.22129 of 2022 dated 02.11.2012 (K.Vinopratha Vs The Teachers Recruitment Board and another)***. In the said writ petition, the final answer keys to two questions for the competitive examination conducted by Teacher Recruitment Board for the post of P.G.Assistant (English) was put to challenge. One of the questions relates to the name of the narrator of a Novel. Another question relates to choosing of the correct word. The learned Single Judge has proceeded to undertake to exercise of finding out the correct answer. Thereafter, found that the final key answers published by the Board were erroneous. The exercise undertaken by the learned Judge would reveal that it does not require any long process of reasoning or detail study of any standard books. However, in the present case, some of the petitioners have relied upon the guides published by the private parties and others have relied upon some standard



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

books published on the relevant subjects and the textbooks prescribed by Tamil Nadu Textbooks Corporation.

19.Unless the Court embarks upon a long process of reasoning and discussion, the Court would not be in a position to arrive at a correct answer. Each one of the questions have been considered by not less than three experts on the relevant subject and ultimately, the final key answer has been published. Therefore, this Court is of the opinion that as laid down by the Hon'ble Supreme Court in the judgment cited supra, this Court would not enter into the academic field and upset the expert opinion rendered on the tentative key answers.

20.It is not a case where the Board has chosen to adamantly refused to accept any one of the objections raised by the candidates. The expert body had found that 15 tentative answer keys are erroneous and has chosen to revise those key answers. The Board has accepted the said expert opinion and proceeded to revise the key answers and published the final key answers. Therefore, this Court has no reason to doubt the expert opinion or the bonafides of the Board in publishing the final key answer and the ultimate results.

21.As rightly pointed out by the learned Additional Advocate General, out of 2,54,224 candidates, only 38 of them have chosen to contend that some



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

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of the questions are out of syllabus and some questions have been wrongly framed or the key answers to some of the questions are erroneous. As pointed out by the Hon'ble Supreme Court in **(2018) 2 SCC 357 (Ran Vijay Singh & others Vs. State of U.P and others)**, the entire examination process does not deserve to be derailed only because some candidates are disappointed in view of an erroneously question or an erroneous answer. All the candidates suffer equally, though some might suffer more but they cannot be helped since mathematical precision is not always possible. Therefore, at the instance of these writ petitioners, the entire examination process cannot be derailed which would have a cascading effect of disturbing the result of other candidates who have not challenged the evaluation process.

22.In view of the above said deliberations, this Court is of the considered opinion that there are no merits in the writ petitions and the same stand dismissed. No costs. Consequently, connected miscellaneous petition is closed.

29.11.2023

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
msa



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

To

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1.The Secretary
The State of Tamil Nadu
Department of School Education
Fort St.George, Chennai 09

2.The Chairman
Teachers Recruitment Board
4th Floor, EVK Sampathmalikai
College Road, Chennai 06



W.P(MD).Nos.8113, 10235, 10455, 10456,
10851, 12410, 12706,12712, and 13352 of 2023

R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

W.P.(MD).Nos.8113, 10235, 10455,
10456,10851, 12410, 12706,12712, and
13352 of 2023 and W.M.P(MD).Nos.9089
of 2023

29.11.2023