



W.P(MD)Nos.19024, 22302, 22426, 22429, 22428, 22430, 22427 and 22923 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 14.11.2022

DELIVERED ON : 20.04.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.19024, 22302, 22426, 22429, 22428, 22430, 22427 and 22923 of
2022

and

W.M.P(MD)Nos.13895, 13896, 16498, 16619 to 16626, 16628, 16618, 17036
and 17037 of 2022

W.P.(MD) No.19024 of 2022

1. C.Kanniammal

2. P.Sudalaimuthu

... Petitioners

Vs

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

2. The Teachers Recruitment Board,
Rep. by its Chairman,
4th Floor, EVK Sampath Maligai,
College Road, Chennai - 06.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Declaration, declaring the final Key Answer to the



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Question Nos. 12, 36, 62, 69, 89, 100, 102 and 108 are wrong in so far as the petitioners are concerned and award eight marks to the petitioners for the Question Nos. 12, 36, 62, 69, 89, 100, 102 and 108.

For Petitioner : Ms.A.Amala

For Respondents : Mr.S.Shaji Bino
Special Government Pleader for R1
Mr.VR.Shanmuganathan
Standing Counsel for R2

COMMON ORDER

Heard the learned counsel on either side.

2. The Teachers Recruitment Board (for brevity “the TRB”) issued notification No.1/2021 dated 09.09.2021, inviting applications through online mode from eligible candidates for direct recruitment to the post of Post Graduate Assistants / Physical Education Directors Grade – 1 / Computer Instructor Grade – 1 in School Education and other Departments for the year 2020 – 2021.

3. The petitioners are aspirants for the post of Post-Graduate Assistants in History. It is not in dispute that the petitioners possess the requisite qualifications. They were issued with hall tickets and they wrote the



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written examination on 14.02.2022. The marks secured by the petitioners are as follows:-

Sl.No.	Name of the Petitioner	Writ Petition (MD) Nos.	Community	Mark Obtained	Required Cut-Off
1.	Nagarani.L	22426/22	BC(W)	95	98
2.	Visgneshwaran.H	22427/22	BC(G)	96	99
3.	Kavitha.T	22428/22	MBC(W)	96	97
4.	Vairavan.R	22429/22	SC(G)(T)	96	97
5.	Kasthuri.S	22430/22	SC(W)	97	99
6.	Sasirega.V	22923/22	BC(W)	96	98
7.	Palanikumar	22302/22	SC(G)	99	99
8.	C.Kaniammal	19024/22	BC(W)	93	98
9.	P.Sudalaimuthu	19024/22	BC	83	99

4. The petitioners belong to various categories such as BC/MBC/SC. Since they failed to secure the necessary cut-off mark pertaining to the respective category, they were not selected. The stand of the petitioners is that the key answers in respect of the petition-mentioned questions are demonstrably and palpably wrong and that therefore, they should have been awarded marks in respect of those questions also.

5. The learned counsel appearing for the writ petitioners took me through the contents of the respective affidavits and contended that the relief sought for should be granted.



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6. The Board filed counter-affidavits and the learned Standing counsel took me through its contents. I called upon the learned Standing Counsel to produce the expert opinions justifying the key answers for the petition-mentioned questions. Accordingly, the expert opinions were produced. The learned Standing Counsel primarily contended that it is not open to this Court to second-guess the correctness of the key answers. He relied upon the following decisions:-

1. Ran Vijay Singh V. State of U.P., reported in (2018) 2 SCC 357;
2. UPSC V. Rahul Singh, dated 14.06.2018 in Civil Appeal No.5838 of 2018; and
3. Mahesh Kumar V. Staff Selection Committee, dated 28.02.2022 in S.L.P.No.1951 of 2022.

According to him, the Writ Court does not possess the jurisdiction to go into the correctness of the key answers.

7. I carefully considered the rival contentions and went through the materials on record. The orders in these cases were reserved on 14.11.2022. The cases were taken up on quite a few occasions and each of the petition- mentioned questions were carefully considered. I made it clear to the learned counsel appearing for the petitioners that I would go only by the



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materials relied on by the Board.

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8. The learned Standing Counsel appearing for the Board had raised identical objections regarding maintainability in W.P.(MD) No.22129 of 2022. The decisions now relied on by him were cited before me in that case also. Vide order dated 02.11.2022, I rejected the said objection .Applying the decision of the Hon'ble Three Judges Bench of the Hon'ble Apex Court in ***Kanpur University V. Samir Gupta (1983) 4 SCC 309***, I held that if the candidate can demonstrate that the key answer is manifestly, demonstrably and patently wrong, this Court would not shut it's eyes to what is obvious and apparent. I decided to adopt the very same approach in the present case also. However, I had to wait for a while to know if the order dated 02.11.2022 in W.P.(MD) No. 22129 of 2022 would be put to challenge by TRB. That is why I had to wait for some months. Since TRB did not question the said order, I am justified in following the same approach in this case also.

9. It is not necessary for me to deal with the key answers in respect of all the petition-mentioned questions. After a careful consideration, with the consent of counsel on either side, the focus narrowed down to question Nos.12, 27, 69, 102 and 108. They are as follows:-



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9.1 Question No.69 is as follows:-

“69. The founder of Bhamini Kingdom was:?”

- A) Abul Muzafer Alauddin B) Hasan Sank
C) 1st Muhamadu D) Muhammad Ghori”

As per the key answer, option 'A' is the correct answer. The petitioners herein had opted for option 'B'. The expert evidence produced by TRB before me is based on the text book “History of Medieval India (Muslim Rule in India)” by V.D.Mahajan, revised by Dr.Mahesh Bhatnagar. The relevant paragraphs are as follows:-

“The Bahmani kingdom of the Deccan was the most powerful of all the independent Muslim kingdoms that arose on account of the disintegration of the Delhi Sultanate. It was during the reign of Muhammad Toghluq that the Amirs of the Deccan called the Amiran-i-Sadah revolted against the Emperor, captured the fort of Dualatabad and declared Ismail Mukh as the King of the Deccan under the title of Nasir-ud-Din Shah. However, Ismail Mukh was an old man and loved ease and consequently he voluntarily resigned in favour of Hasan, entitled Zafar Khan, who was delared king by the nobles on 3rd August, 1347 under the title



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of Abul Muzaffar Ala-ud-Din Bahman Shah.

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Its Origin

The origin of the Bahmani kingdom as given by Ferishta is not accepted by modern historians. The view given by Ferishta is that Hasan was employed in the service of Gangu, a Brahman astrologer of Delhi who enjoyed the confidence of Muhammad Tughluq. One day while Hasan was ploughing the lands of Gangu, he found in a furrow a copper vessel full of gold coins. Hassan took to Gangu all that he had found and the latter was so pleased with his honesty that he recommended Hassan to Muhammad Tughluq, Muhammad Tughluq conferred upon Ganga the command of 100 horses Gangu named his kingdom after the name of his master.”

It is obvious from a reading of the above that the original name of the founder of the Bahmani Kingdom was “Hasan Gangu”. He assumed the title of Abul Muzaffar Ala-ud-Din Bahman Shah in the year 1347. Though the submissions of the learned counsel for the petitioners are quite persuasive, I obviously cannot hold that option 'A' is an incorrect answer. Therefore, I am not in a position to award any mark for the petitioners for the key answer for Question No.69 as it is not demonstrably wrong.



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9.2 Question No.102 reads as follows:-

“102. In 18 June 1815 Napoleon was defeated in the battle of waterloo by the British forces under the leadership of _____.”

A) Wellington

B) John Keats

C) Fraun Hofer

D) Herold”

As per the key answer, option “C” is the correct answer. The petitioners have opted for option 'A'. The expert evidence produced by the TRB is as follows:-

“In 1814, Wellington defeated the French at Toulouse. The Russians, Germans and the Austrians advanced into France. When Napoleon found himself helpless, he abdicated in 1814. Although he came back to France from the Island of Elba, the Allies were determined to finish him. That led to the Battle of Waterloo (1815) in which Napoleon's army was completely routed. In this battle, the Duke of Wellington played the most important part.”

In the material relied on by TRB, the name of “Fraun Hofer (option 'C')” does not figure. On their own showing, option 'A' is the correct answer. Therefore, the petitioners have to be awarded mark for Question No.102.



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“ Les Miserables” is one of the famous novels authored by the French writer Victor Hugo. I was reading an abridged English version. A character by name Marius tells the police inspector “ If I were you, I should bring a strong force.” The next line is as follows:-

“ Javert looked at him as Wellington might have looked if a lieutenant had offered him advice at Waterloo.”

This line in a novel indicates that the name of Wellington is inextricably linked Waterloo. I can't help wondering at the sheer callousness with which the key answer has been prepared for this question.

9.3 Question No.108 reads as follows:-

“108. Rome – Berlin – Tokyo Axis was signed in which year?”

- A) October 1934 B) October 1935*
C) October 1936 D) October 1937”

According to TRB, Option (C) is correct. According to the petitioners, Option (D) is correct.

The material relied on by the TRB is as follows:-



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“Fascist Italy ran into economic difficulties. This compelled Mussolini to embark on a policy of colonial expansion. Thus he attacked Ethiopia on a flimsy pretext. King Victor Emmanuel III was proclaimed emperor of a new Roman Empire. This created a rift with the League of Nations and annoyed France and England. This drove Italy to the arms of Germany and the result was Rome-Berlin-Axis which was created in October 1936. In April 1939 he occupied Albania. When France fell into the hands of Germany in June 1940, it was an opportune moment for Italy to hurl an offensive on England and France. In October 1939, he attacked Greece but faced rough weather he could conquer it with the help of Germany. In Africa, despite its initial victory over England, the Italian armies were driven from the Eastern colonies and despite strong German reinforcement they were decisively defeated in the northern desert. The Allies landed in Sicily in July 1943. The Italian army chiefs conspired to overthrow Mussolini and arrested him. But the German army, in order to keep Italy in the war, rescued Mussolini and made him leader of the puppet republic of north Italy.”

It is true that the material indicates that Rome – Berlin – Axis was created in October 1936. The question is not about creation of “ Rome – Berlin – Axis ”.



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The question is about “ Rome – Berlin – Tokyo Axis”. It was signed only in October 1937. Therefore, the key answer is palpably wrong. The petitioners are entitled to one mark.

9.4 Question No.12 is as follows:-

“ The Best Ruler of the Slave Dynasty -

A) Nasir ud din

B) Iltumish

C) Qutb ud din Aibak

D) Ghiyasud din Balban”

According to TRB, Option (B) is correct. According to the petitioners, Option (D) is correct. I went through the relevant pages in the book “History of Medieval India (Muslim Rule in India)” by V.D.Mahajan, revised by Dr.Mahesh Bhatnagar. TRB relies on this book. Interestingly, Iltumish as well as Balban have both been described as the greatest of the slave kings. This issue therefore will have to be revisited by TRB. I make it clear that the outcome of the said exercise will be confined only to the writ petitioners herein. Secondly, the decision to be taken by TRB after such exercise shall not be questioned by the petitioners. TRB shall communicate its decision to the petitioners within a period of twelve weeks from the date of receipt of a copy of this order as far as this question is concerned. Whether to award mark to the petitioners for this question is for TRB to decide afresh.



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9.5 Question No.27 is as follows:-

“ Who among the following British Officers lost their lives at Lucknow?

A)General John Nicholson B) Brigadier General Neil

C) Major General Havelock D) Sir Henry Lawrence ”

According to TRB, Option (D) is the correct answer. According to the petitioners, Option (B) is the correct answer. In fact, all the three persons respectively referred to in Option (B) to (D) died at Lucknow during the Siege. It is stated that Major General Havelock died due to dysentery. He was not killed in action. But Brigadier General Neil died fighting. The obvious facts of history ought not to be ignored. This is also a case for revisiting. TRB shall constitute another expert committee and take a call within a period of twelve weeks from the date of receipt of a copy of this order whether mark has to be awarded to the petitioners in respect of this question. I make it clear that the outcome of the said exercise will be confined only to the writ petitioners herein. Secondly, the decision to be taken by TRB after such exercise shall not be questioned by the petitioners.



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10. The marks awarded to the petitioners will be revised accordingly.

Their right to be appointed as Post-Graduate Assistants in History will abide by the said revision. The writ petitions are disposed of on these terms. No costs. Consequently, connected miscellaneous petitions are closed.

20.04.2023

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
PKN / PMU

To

1. The Secretary,
State of Tamil Nadu,
Department of School Education,
Fort St.George, Chennai - 09.
2. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
College Road, Chennai - 06.



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G.R.SWAMINATHAN, J.

PKN / PMU

Pre-delivery Order made in
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20.04.2023