



W.P.(MD).No.15930 of 2017

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 14 .11.2024
DELIVERED ON : 22.11.2024

CORAM:

THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.P.(MD)No.15930 of 2017
and
W.M.P(MD)Nos.12595 of 2017 & 2471 of 2018

P.Padmavathi

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort.St.George, Chennai-600 009.

2.The Teachers Recruitment Board,
Represented by its Chairman,
4th Floor, EVK Sampath Malikai,
College Road, Chennai-600 006.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, declaring the key answer to the Question No.36 in Paper-II under D series of the Teacher Eligibility Test Examination 2017 as wrong in so far as the petitioner is concerned and award 1 mark to the petitioner for the Question No.36 in Paper-II under D series of the Teacher Eligibility Test Examination 2017.



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Prayer in W.M.P:(MD)No.12595 of 2017 : Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, praying this Court to grant an Ad Interim Orders directing the 2nd respondent Teachers Recruitment Board to award 1 mark provisionally to the petitioner for the Question No.36 in Paper-II under D series of the Teacher Eligibility Test Examination 2017, pending disposal of the writ petition.

Prayer in W.M.P:(MD)No.2471 of 2018 : Writ Miscellaneous Petition filed under Article 226 of the Constitution of India, praying this Court to fix an early date for hearing of this writ petition. Both the petitions are pending.

For Petitioner	: Mr.K.Prabhu for M/s.Isaac Chambers
For R1	: Mr.S.R.A.Ramachandran Additional Government Pleader
For R2	: Mr.VR.Shanmuganathan Standing Counsel

ORDER

Heard both sides.



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2. The writ petition was filed on 22.08.2017 to declare the key answer to Question No.36 in Paper-II under 'D' series of the Teacher Eligibility Test Examination 2017 as wrong in so far as the petitioner is concerned and award 1 mark to the petitioner for the Question No.36 in Paper-II under 'D' series of the Teacher Eligibility Test Examination 2017.

3. On 23.08.2017, the learned Additional Government Pleader took notice of the respondents and the matter was posted for filing counter. Subsequently, the counter affidavit was filed on 05.12.2017.

4. The petitioner contends that he possessed the qualification of B.Sc (Mathematics) and B.Ed. He belongs to Most Backward Class. The National Council for Teacher Education (NCTE), New Delhi by way of notification prescribed a pass in the Teacher Eligibility Test (TET) conducted by the appropriate State Government in addition to the minimum educational qualification as an eligibility criterion for the appointment as Teacher. The Government of Tamil Nadu appointed the 2nd respondent as the Nodal Agency for conducting the Tamil Nadu Teacher Eligibility Test. Under the same, the 2nd respondent conducted TET on 30.04.2017. The petitioner had appeared for the



said examination and secured 81 marks out of 150 marks. The 2nd respondent prescribed 82 marks as a pass mark. The 2nd respondent published key answers on 22.05.2017. Aggrieved by the answer to Question No.36, the petitioner had objected. The 2nd respondent had awarded marks for Option 'D', but the petitioner opted for 'C'. The petitioner would further submit that as per the Tamil book issued by the State Government, options 'C' and 'D' are correct answers. The 2nd respondent issued the final key on 01.07.2017 showing option 'D' as the correct answer for Question No.36. Because of the wrong key answer indicated by the 2nd respondent, the petitioner could not get pass marks in the examination. Hence, to award one mark to Question No.36 to the petitioner, he is before this Court.

5. The 2nd respondent had filed a counter affidavit stating that the 2nd respondent had published the tentative key answers for all the subjects on the Board website on 22.05.2017 and advised the candidates to submit their objections with relevant proof on or before 23.05.2017 to 27.05.2017. The petitioner has not given any representation during the said period. A committee of Subject Experts with academic excellence examined the representations received from the candidates discussed the objections based on authoritative



texts and framed the final key answers. That apart, the petitioner has not proved the key answers of the 2nd respondent to be wrong.

6. When the matter came up for hearing on 18.09.2024, this Court passed the following order:

“Learned Standing Counsel appearing for the second respondent has placed before this Court a copy of the expert report as well as the evidence with regard to Question No.36, which is subject matter of dispute in this Writ Petition.

2. Authorities have been relied upon by both the learned Counsels in support of their respective contentions.

3. The learned Counsel for the petitioner contends that the answer given to Question No.36 by the petitioner as answer ‘C’ is correct, which is supported by evidence in the form of text books. However, learned Standing Counsel appearing for the second respondent would submit that answer ‘D’ is the correct answer and further he would submit that only based on an expert opinion answer ‘D’ was fixed as a Correct answer for Question No.36.

4. Both the counsels seek further time to produce further authorities in support of their respective contentions.”

7. The expert opinion was provided by Mr. S. Santhosh Kumar, P.G. Assistant (Tamil) at Government Model Higher Secondary School, Arumbakkam, Chennai, and Mr. R. Karthick, P.G. Assistant (Tamil) at Chennai Higher Secondary School, Choolaimedu, Chennai. According to their expert analysis, the correct answer to Question No. 36 is 'D'. The experts substantiated their conclusion with the following reasoning:



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"பாடம் : தமிழ்

வினா எண் : 50

பொருந்தாதவற்றைத் தேர்ந்தெடுத்தெழுதுக.

- A. கண்ணன் பாட்டு, குயில் பாட்டு, பாஞ்சாலி சபதம்
- B. போர்மறவன், விழுதும் வேரும், ஒன்பது சுவை
- C. தேன்மழை, பூங்கொடி, காவியப்பாவை
- D. மலரும் மாலையும், உமர்கய்யாம் பாடல்கள், முருகன் அல்லது அழகு

விடை:

D. மலரும் மாலையும், உமர்கய்யாம் பாடல்கள், முருகன் அல்லது அழகு

காரணம்:

தெரிவு A,B,C இல் உள்ள படைப்புகள் கவிதை (செய்யுள்) வடிவிலானவை.

தெரிவு D இல் உள்ள படைப்புகளுள் மலரும் மாலையும், உமர்கய்யாம் பாடல்கள், ஆகியவை கவிதை (செய்யுள்) வடிவிலானவை.

முருகன் அல்லது அழகு என்ற நூல் மட்டும் உரைநடை வடிவிலானது. இதன்படி பொருந்தாத படைப்புகள் கொண்ட தெரிவு 'D' ஆகும். ஆகவே,

விடை-D மலரும் மாலையும், உமர்கய்யாம் பாடல்கள், முருகன் அல்லது அழகு

வல்லுநர் குழு:

1.ச.சந்தோஷ் குமார், முதுகலையாசிரியர் (தமிழ்),

அரசு மாதிரி மேனிலைப்பள்ளி,

அரும்பாக்கம், சென்னை-600 106.

2.இரா.கார்த்திக்,

முதுகலையாசிரியர் (தமிழ்),

சென்னை மேனிலைப்பள்ளி,

சூளைமேடு, சென்னை-600 094."



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8. The petitioner argues that the Teachers Recruitment Board (TRB) awarded marks for option 'D' as per the Key Answer. However, the petitioner had chosen option 'C' in response to Question No. 36. The petitioner asserts that the question required selecting the option featuring books authored by different authors. According to the Tamil textbook prescribed by the State Government for 7th to 12th standard students: The books listed under options 'A' and 'B' were authored by the same individuals, namely Bharathiyar and Bharathidasan, respectively. In contrast, the books under options 'C' and 'D' were written by different individuals, making both options 'C' and 'D' correct. The petitioner contends that by recognizing only option 'D' as correct, the TRB has overlooked the ambiguity in the question's framing. Therefore, the petitioner insists that the TRB should acknowledge this and award the disputed mark for selecting option 'C,' as both 'C' and 'D' align with the question's requirements.

9. The learned counsel for the petitioner, disputing the expert report, presented before this Court extracts from the Tamil Wikipedia and a website publication by *Thendral Tamil Magazine*, highlighting the definitions and distinctions between *seyul*, *kavithai*, and *paatu*. It was argued that the



definition of *seiyul* encompasses both *urai* and *kavithai*, and that *seiyul*, *kavithai* and *paatu* are distinct. Consequently, the expert's reasoning that the key answers 'A', 'B', and 'C' are creations under *kavithai* and *seiyul*, while option 'D' is correct because it includes *kavithai* and *urainadai*, was not acceptable. The counsel further emphasized that the respondent's counter affidavit failed to substantiate why 'D' was deemed the correct answer and did not address the petitioner's contention that 'C' was equally valid. The petitioner's argument was that option 'C' is also correct because, unlike options 'A' and 'B' (each representing works by a single author), both 'C' and 'D' comprise creative works by different authors, which aligns with the essence of the question.

10. The respondents contended that the subject experts determined that 'D' is the correct answer, and the petitioner has failed to conclusively demonstrate that this answer is incorrect. They relied on the Supreme Court's judgment in ***Kanpur University v. Samir Gupta*** (AIR 1983 SC 1230), particularly paragraphs 16 and 17, as well as the rulings of the Hon'ble Division Bench of this Court in ***W.A. Nos. 1097 and 1099 of 2014*** (dated 08.09.2014) and ***W.A. No. 1074 of 2014*** with ***M.P. No. 1 of 2014*** (dated



12.08.2014). The respondents argued that the key answer must be presumed correct unless proven demonstrably wrong. It was further submitted that the key answer cannot be declared incorrect through inferential reasoning or rationalization; instead, it must be shown to be so erroneous that no reasonable body of experts in the field would agree with it. In cases of doubt, the key answer must prevail.

11. The respondents also asserted that this Court cannot assume the role of an expert body to reevaluate the decision made by qualified experts. They placed significant reliance on the Supreme Court judgment in **(2018) 2 SCC 357, *Ran Vijay Singh & Others v. State of UP & Others***, which was cited in a related judgment of this Court in ***W.P. (MD) Nos. 8113, 10235, etc.*** dated 29.11.2023. The respondents concluded by arguing that judicial interference in expert opinion risks disrupting the integrity of the entire examination process and could unfairly prejudice other candidates who have not contested the evaluation process.

12. Having considered the arguments advanced by both sides and the materials placed on record, the following points arise for determination in this



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case: Whether the petitioner has demonstrated that the answer 'D' provided in the key answer to Question No. 36 is incorrect? Whether the petitioner's contention that both 'C' and 'D' are correct answers has been substantiated to the extent of discrediting the expert opinion? Whether this Court can interfere with the expert opinion and re-evaluate the correctness of the key answer in an academic matter?

13. The respondent side has relied on the expert opinion of two qualified subject experts, who have stated that the correct answer to Question No. 36 is 'D', providing detailed reasoning based on authoritative texts and academic sources. The petitioner, on the other hand, has presented an alternative interpretation, relying on references from the Tamil Wikipedia and a Tamil magazine, to assert that both 'C' and 'D' are correct.

14. This Court observes that, upon a plain reading, the creations referenced in the key answers 'A', 'B', and 'C' are all of the poetic types, whereas the creation in key answer 'D' includes prose type. When the question requires identifying a mismatch, based on the distinction between prose and poetry, the only possible correct option is 'D'.



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- A. கண்ணன் பாட்டு, குயில் பாட்டு, பாஞ்சாலி சபதம்:
மேற்கூறிய மூன்றும் மகாகவி பாரதியார் அவர்களின்
தேசபக்தி பாடல்கள்.
- B. போர் மறவன், விழுதும் வேரும், ஒன்பது சுவை:
இவை பாரதிதாசன் அவர்களின் கதை பாடல்கள்
- C. தேன்மழை, பூங்கொடி, காவியப் பாவை:
தேன்மழை - திரு சுரதா எழுதிய புத்தகம்
பூங்கொடி - திரு முடியரசனார் அவர்கள் எழுதிய
மணிமேகலை காப்பியத்ததை தழுவிய காப்பியம்.

காவியப் பாவை 1970 ல் திரு முடியரசன்
அவர்களால் எழுதப்பட்ட இசைநூல்
- D. மலரும் மாலையும், உமர்கய்யாம் பாடல்கள், முருகன்
அல்லது அழகு
மலரும் மாலையும் - கவிமணி தேசிக விநாயகம்
பிள்ளை அவர்கள் எழுதிய நூல்

உமர்கய்யாம் பாடல்கள் - கவிமணி தேசிக விநாயகம்
பிள்ளை அவர்களால் தமிழாக்கம் செய்யப்பட்ட
பாடல்கள்

முருகன் அல்லது அழகு - திரு.வி.க. அவர்கள்
எழுதிய நூல்.

15. In the "odd one out" test within a language context, examiners often present closely related options to assess candidates' grasp of subtle nuances, intellectual depth, and clarity. Such tests are inherently challenging, especially in subject-specific contexts, as they aim to evaluate a candidate's in-depth familiarity with the subject. In this case, options 'C' and 'D' may seem similar at



first glance because both involve creations by different authors. However, upon closer examination, the nature and type of creations in options 'A' to 'C' are consistent, specifically Kavithai and Seiyul, whereas option 'D' includes Kavithai and Urainadai. This subtle intellectual difference distinguishes option 'D' from the others. This view of experts is justiciable, as only candidates well-versed in the authors and the characteristics of the creations can determine the correct answers.

16. Further, while the petitioner has highlighted inconsistencies and ambiguities in the framing of the question and the key answer, these do not unequivocally demonstrate that the answer 'D' provided by the experts is wrong. The Supreme Court in ***Kanpur University v. Samir Gupta* (AIR 1983 SC 1230)** has categorically held that key answers must be presumed correct unless it is proven to be demonstrably incorrect to the extent that no reasonable body of experts would endorse them. In the present case, the petitioner's reliance on alternative interpretations and the absence of any direct contradiction to the expert opinion in authoritative academic texts fail to meet the high threshold set by the Supreme Court.



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17. It is well-settled that courts are not equipped to act as appellate authorities over decisions made by subject experts. The judgments relied upon by the respondent side, including ***Ran Vijay Singh & Others v. State of U.P. & Others (2018) 2 SCC 357***, underscore the principle that judicial intervention in academic matters is limited to cases where the decision-making process is demonstrably arbitrary, perverse, or violative of statutory or constitutional rights.

18. In this case, the key answer was finalized after due deliberation by a committee of experts and was not shown to be arbitrary or perverse. Any interference by this Court in re-evaluating the key answer would risk derailing the examination process and affecting other candidates who have not raised objections.

19. The petitioner's argument that 'C' is also a correct answer has been articulated well, but this alone does not suffice to discredit the key answer. As emphasized in ***Kanpur University v. Samir Gupta***, a key answer cannot be held to be wrong by rationalization or inferential reasoning; it must be demonstrably



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incorrect based on authoritative texts. The petitioner's reliance on sources like Wikipedia and a magazine article, while informative, does not carry the authoritative weight required to overturn the key answer. Further, the petitioner's contention that both 'C' and 'D' are correct answers lacks the specificity needed to establish a demonstrable error in the key answer provided by the experts.

20. In light of the above discussions, this Court finds no reason to interfere with the expert opinion and the evaluation process undertaken by the 2nd respondent. The petitioner has not succeeded in demonstrating that the key answer 'D' is demonstrably incorrect or that the evaluation process was arbitrary or perverse. Consequently, the writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petitions are closed.

22.11.2024

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

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To

- 1.The Secretary,
Department of School Education,
Fort.St.George, Chennai-600 009.
- 2.The Chairman,
The Teachers Recruitment Board,
4th Floor, EVK Sampath Malikai,
College Road, Chennai-600 006.



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DR.A.D.MARIA CLETE, J.

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