

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED: 12.4.2018  
CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH  
AND  
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.Nos.382, 385, 386 and 387 of 2017  
and  
C.M.P.Nos.5829, 5921, 5923 and 5924 of 2017

R.Chithra Appellant in W.A.No.382/2017  
S.Jayalakshmi Appellant in W.A.No.385/2017  
A.Padmavathi Appellant in W.A.No.386/2017  
S.Arivazhahan Appellant in W.A.No.387/2017

Versus

1. The Teachers Recruitment Board,  
rep. by its Chairman,  
4th Floor, E.V.K.Sampath Maligai,  
DPI Compound, College Road,  
Chennai 600 006. R1 in WA 382, 386, 387 and  
Sole respondent in WA 385/2017
2. The Director of School Education,  
DPI Campus, College Road,  
Chennai 600 006. R2 in WA 382, 386 and 387/2017

Prayer: Writ Appeals filed under Clause 15 of the Letters Patent against the order dated 25.10.2016 passed in W.P.Nos.3657, 4682, 4135 and 7456 of 2015 on the file of this court.

WP.No.3657, 4135 and 7456/2015: Petitions filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the respondents to revalue the question No.46/Question No. 46 of Booklet series D and 48/Question 46 and 28 of Booklet series D/Question No.66 in Booklet series D and Question No.76 and Question No.1 in booklet series B of the written examination for direct recruitment of PG Assistant 2013-2014 and 2014-2015 in Tamil conducted on 10.1.2015 and to proceed with selection for the post of PG Assistant in Tamil based on the revaluation with correct key answer and consequently direct the respondents to award one/two/two/one/two marks to the petitioner (Roll No.14PG01230347)/14PG01151507/14PG01090260/14PG01090951/14PG01220108) based on such revaluation and to select the petitioner to the post of PG Assistant in Tamil within a time frame to be fixed by this Honourable Court.

WP.No.4682/15:Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus to direct the the respondent to award one mark to the petitioner in the examination conducted on 10.1.2015 for Question No.66 in Booklet Series B in the Tamil Subject and consequently direct the respondent to appoint the petitioner to the post of P.G.Assistant (Tamil) for the selection conducted by the respondent vide notification dated 7.11.2014.

For appellants : Mr.T.Sellapandian for  
Mr.P.Ganesan

For respondents : Mr.Mani Shankar, AAG  
assisted by  
Mr.P.S.Sivashanmugasundaram,  
Special Government Pleader

COMMON JUDGMENT

(Judgment of the court was made by M.DHANDAPANI, J.)

The intra-court appeals are filed by the writ petitioners challenging the order passed by the learned Single Judge dismissing the writ petitions.

2. Brief facts of the cases is as follows:-

The writ petitioners filed writ petitions seeking a mandamus to direct the respondent-Teacher Recruitment Board to direct one mark to the writ petitioners in the examination conducted on 10.1.2015 for question No.46 of 'D' series Booklet/question No.66 of 'B' series Booklet in the Tamil Subject and consequently, direct the respondent to appoint the writ petitioners to the post of P.G. Assistant (Tamil) for the selection conducted by the respondent vide Notification dated 7.1.2014. The question in issue is extracted hereunder:-

"இளவரல் மெய்ப்பாட்டின் வருத்தம் என்ற பொருள் உணர்த்தும் உட்கருத்து -

(ரு) அச்சம் (ரு ) செயல் (ஊ) முயற்சி (ஊ) துன்பம் "

3. It appears that the writ petitioners had opted the answer 'D'. The tentative key also revealed the answer 'D' as the correct one, however, later, in the final key, it has been declared that 'C' is the correct answer. Prior to that, it appears that the appellants/writ petitioners had secured 96 marks which was the cut off marks for getting selection whereas, on changing the key answer, one mark is reduced from the marks secured by them which resulted in filing of the writ petitions.

4. The learned Single Judge, on appreciating the expert's opinion to the effect that the word "வருத்தம்" though has got a colloquial meaning "துன்பம்", the usage of such word in the poem contained in the question in dispute refers to the meaning "முயற்சி", dismissed the writ petition.

5. Learned counsel appearing for the appellants would submit that had there been no option for the answer as "துன்பம்", definitely, the candidates would not have opted for the same, and it creates a confusion among the candidates, therefore, in such a situation, the writ petitioners ought to have been given one mark for the answer opted by them.

6. Per contra, the learned Additional Advocate General would submit that after careful scrutiny of the materials, the experts have stated that though the general meaning for the word "வருத்தம்" is "துன்பம்", their opinion based on "தொல்காப்பிய பொருளதிகாரம்;" the word "வருத்தம்" implies the meaning "முயற்சி" and based on such opinion, they modified the final key answer as option 'C'.

7. In the present scenario, the case of the writ petitioners has to be decided only on arriving at the conclusion as to whether the word "வருத்தம்" used in the poem contained in question in dispute refers to "துன்பம்" or "முயற்சி". The issue relates to expertise in linguistic aspect. No doubt, the court has vast powers in taking judicial view, whereas, in case of issues where expertise is required, the court has no other option except to go by the expert's opinion in the field. The learned Single Judge has also adopted the same approach. By relying the ratio laid down in the decision of the Apex Court in KANPUR UNIVERSITY AND OTHERS v. SAMIR GUPTA AND OTHERS (1983 4 SCC 309), the learned Single Judge has also observed that the writ petitioners were not able to demonstrate that the final key answer is wrong and the court has got powers to interfere with the same only if the key answer is demonstrably wrong.

8. In view of the above discussion, we do not find any merit in the writ appeals. Accordingly, the writ appeals are dismissed, confirming the order passed by the learned Single Judge. No costs. The connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssk.

To:

The Director of School Education,  
DPI Campus, College Road, Chennai 600 006.

+1cc to Government Pleader Sr.No.27692

+4cc to M/s.P.Ganesan, Advocate Sr.No.27168to27171

KAN(CO)

sm:10.5.2018

W.A.Nos.382, 385, 386  
and 387 of 2017