

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :02.11.2018

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No. 25099 of 2017

W.M.P.No.26535 & 26536 of 2017

K.P.Yuvaraja

...Petitioner

Vs

1. The Secretary
The State of Tamilnadu,
School Education Department,
Secretariat, Chennai.
2. The Chairman,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road, Chennai-600 006.
3. The Expert Committee,
(Chemistry) Teachers Recruitment Board,
EVK Sampath Maligai, DPI Compound College Road,
Chennai-600 006.

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Declaration declaring the final key answer provided for the question paper in Chemistry CDE 2017 Booklet series C pertaining to Question Nos.37 54 55 89 94 107 109 & 114 provided by the 2nd respondent as incorrect and consequently to direct the 2nd respondent to award marks for the above said questions and to declare the petitioner bearing Roll No.17PG11050073 to have passed in written examination and allow him to participate in the certificate verification within the period that may be stipulated by this Court.

For Petitioner : Mr.K.Thenrajan
For Respondents : Mr.K.Karthikeyan,
Government Advocate

O R D E R

The relief sought for in the present writ petition is for a declaration declaring the final key answer provided for the

question paper in Chemistry CDE 2017 Booklet series C pertaining to Question Nos.37 54 55 89 94 107 109 & 114 provided by the 2nd respondent as incorrect and consequently to direct the 2nd respondent to award marks for the above said questions and to declare the petitioner bearing Roll No.17PG11050073 to have passed in written examination and allow him to participate in the certificate verification

2. The similar issue in respect of the same recruitment had been considered by this Court and a detailed order has been passed in WP.No.22699 of 2017 dated 07.09.2018 and the relevant paragraphs are extracted hereunder:

5.The Expert Committee constituted had gone into the allegations raised by the writ petitioners and furnished their reports in detail, including the correct answers and the questions in this regard. The copy of the report is enclosed in the typed set of papers filed by the respondents and the same contains the reference notes and all other particulars, stating that the Expert Committee has elaborately considered all the possible answers and submitted their report in respect of the issues raised by the petitioners in this regard.

6.Relying on the said report, the learned Government Advocate contended that based on the report submitted by the Expert Committee, a revised evaluations were done in respect of all these writ petitioners and wherever applicable, additional marks were awarded and accordingly, the final list of selection was published. The representations submitted by the writ petitioners were considered based on the report of the Expert Committee, the re-evaluations were done by the authorities competent and the eligible candidates were awarded with marks and thereafter, the final selection list was prepared and published. Subsequently, based on the final selection list, appointments were also provided to all the selected candidates and they have joined in service.

7.In paragraph 6 onwards in the counter affidavit, the details of the objectionable and defective questions and the answers arrived were elaborately deal with by the respondents, which all are extracted hereunder:

"5. It is respectfully submitted that the 1st Respondent Board published the tentative key answers for all subjects on the Board's Website on 19.07.2017 and advised the candidates to submit the representations regarding objections, if any, to the tentative key answers with relevant proof of authority on or before 23.07.2017.

6. It is respectfully submitted that a committee of Subject Experts with academic excellence examined the representations received from the candidates, discussed the objections on the basis of authoritative texts and framed final key answers. After thorough scrutiny, final and revised key answers were prepared by the Subject Experts and the Optical Mark Reader Answers sheets of all the candidates were evaluated on the basis of the final and revised key answers. Subsequently the 1st Respondent Board published the provisional result of the written competitive examination on 11.08.2017.

7. It is submitted that the petitioner avers that Final key answers published by the Teachers Recruitment Board is not correct, in respect of Question Nos., Book-let Series as detailed below:-

Question No. of "A" Series	Question No. of "D" Series	Key answer of the Petitioner	Tentative Key	Final key
67	3	B	D	D
100	12	A	B	B
36	20	B/C	B	B
69	21	D	A	A
26	25	B	D	D
3	38	B	B	B
91	39	A	C	C
84	66	B	A	A
53	70	None	A	A
10	77	B	D	D
46	78	A/B	A	A
16	86	A	C	C
39	99	A	B	B
47	101	B	C	C
19	102	A	D	D
30	110	C	A	A
140	121	C	D	D
136	135	A	B	B
139	140	A	D	D

There is no change in the tentative keys as well as in the final key and for the Questions 3, 12, 20, 21, 25, 38, 39, 66, 70, 77, 78, 86, 99, 101, 102, 110, 121, 135 and 140 in series "D" the subject experts have furnished their opinion as follows:-

***Refer Annexure**

Sl. No	Question Nos	Questions
1.	3	If X is a random variable which takes values $x_1 = -1$, $x_2 = 0$ and $x_3 = 1$ with probabilities $P(X = -1) = \frac{1}{4}$, $P(X = 0) = \frac{1}{4}$ and $P(X = 1) = \frac{1}{2}$ then its median : (A) is 0 only (B) is 1 only (C) does not exist (D) every value in $[0, 1]$
2.	12	The quotient field of the integral domain $D = \{a + b\sqrt{2} / a, b \in \mathbb{Z}\}$ is : $D = \{a + b\sqrt{2} / a, b \in \mathbb{Z}\}$ என்ற எண் அரங்கத்தின் ஈவுகளம் : (A) $\{p + q\sqrt{2} / p, q \in \mathbb{Z}\}$ (B) $\{p + q\sqrt{2} / p, q \in \mathbb{Q}\}$ (C) $\{p - q\sqrt{2} / p, q \in \mathbb{Z}\}$ (D) $\{p - q\sqrt{2} / p, q \in \mathbb{R}\}$
3.	20	If $b_{YX} = -\frac{5}{7}$ and $b_{XY} = -\frac{2}{6}$, the value of correlation coefficient is : $b_{YX} = -\frac{5}{7}$ மற்றும் $b_{XY} = -\frac{2}{6}$ எனில், ஒட்டுறவு கெழுவின் மதிப்பு : (A) $\frac{5}{21}$ (B) $-\frac{\sqrt{5}}{\sqrt{21}}$ (C) $\frac{\sqrt{5}}{\sqrt{21}}$ (D) $-\frac{5}{21}$
4.	21	Let f be continuous on $[1, 20]$ such that $f(x) = 0$ when x is rational. Then which of the following is correct ? x ஒரு விகிதமுறு எண் எனும்போது $f(x) = 0$ என்றவாறு உள்ள f-ஆளது $[1, 20]$-ன் மீது தொடர்ச்சியடையது எனில் பின்வருவனவற்றுள் எது சரி ? (A) $f(\sqrt{2}) = 0$ (B) $f(\sqrt{3}) = 1$ (C) $f(\sqrt{5}) = 2.15$ (D) $f(10\sqrt{2}) = 10.2$

5.	25	The mapping $w = \overline{f(z)}$, where $f(z)$ is an analytic function is indirectly conformal mapping if : (A) $f'(z) \neq 0$ for some z (B) $f'(z) = 0$ for every z (C) $f'(z) = \infty$ for every z (D) $f'(z) \neq 0$ for every z $f(z)$ ஒரு ஒழுங்கு சார்பு எனில் $w = \overline{f(z)}$ என்ற கோர்த்தல் எப்போது மறைமுக இணங்கு கோர்த்தலாகும்: (A) $f'(z) \neq 0$ சில z-க்கும் (B) $f'(z) = 0$ எல்லா z-க்கும் (C) $f'(z) = \infty$ எல்லா z-க்கும் (D) $f'(z) \neq 0$ எல்லா z-க்கும்
6.	38	Which of the following function has irremovable discontinuity at zero ? (A) $f(x) = \begin{cases} x \sin \frac{1}{x} & \text{if } x \neq 0 \\ 1 & \text{if } x = 0 \end{cases}$ (B) $f(x) = \begin{cases} \sin \frac{1}{x} & \text{if } x \neq 0 \\ A & \text{if } x = 0, \text{ where } A \text{ is any constant} \end{cases}$ (C) $f(x) = \begin{cases} 1 & \text{if } x \neq 0 \\ 0 & \text{if } x = 0 \end{cases}$ (D) $f(x) = \begin{cases} \frac{\sin x}{x} & \text{if } x \neq 0 \\ 0 & \text{if } x = 0 \end{cases}$
7.	39	In Spearman's formula $r = 1 - \frac{6 \sum d_i^2}{n^3 - n}$ for the rank correlation coefficient, the maximum value of $\sum d_i^2$ is : தர ஒட்டிதெவுக் கொடுக்கப்பட்ட வாய்பாட்டில் துத்திரம் $r = 1 - \frac{6 \sum d_i^2}{n^3 - n}$ இல் $\sum d_i^2$ -ன் மீப்பெரு மதிப்பு : (A) $\frac{n^3 - n}{6}$ (B) $\frac{n^3 - n}{3}$ (C) $\frac{n^3 - n}{2}$ (D) $\frac{n^3 - n}{4}$
8.	66	Let G be the group of real numbers under addition. Let the mapping $\phi : G \rightarrow G$ be defined by $\phi(x) = x + 1$ for all $x \in G$. Then : (A) ϕ is not a homomorphism (B) ϕ is a homomorphism, which is neither 1-1 nor onto (C) ϕ is a homomorphism and 1-1, but not onto (D) ϕ is an isomorphism of G onto G

WEB COPY

9.	70	Let G be a group of all 2×2 matrices $\begin{pmatrix} a & b \\ c & d \end{pmatrix}$, where $ad - bc \neq 0$ and a, b, c, d are integers modulo 3, relative to matrix multiplication. Then $O(G)$ is : அணிப்பெருக்கலைப் பொறுத்து G என்பது $\begin{pmatrix} a & b \\ c & d \end{pmatrix}$ என்ற எல்லா 2×2 அணிகளாலான குலம் என்க. இங்கு $ad - bc \neq 0$ மற்றும் a, b, c, d ஆகியன மட்டு 3 முழு எண்கள் எனில், $O(G)$ -ன் மதிப்பு : (A) 48 (B) 36 (C) 24 (D) 12
10.	77	If $A_1, A_2, \dots, A_n$ are independent events with $P(A_i) = \frac{1}{i+1}$ for $1 \leq i \leq n$, then the probability that none of the n events occur is : $A_1, A_2, \dots, A_n$ என்பன நிகழ்தகவு $P(A_i) = \frac{1}{i+1}$ $1 \leq i \leq n$, உள்ள சமய ஒன்றையொன்று சாரா நிகழ்ச்சிகள் எனில் n - நிகழ்ச்சிகளில் எந்த ஒரு நிகழ்ச்சியும் நடைபெறாமல் இருப்பதற்கான நிகழ்தகவு : (A) $\frac{1}{n}$ (B) $\frac{n}{n+1}$ (C) $\frac{1}{n^2+1}$ (D) $\frac{1}{(n+1)}$
11.	78	Two regression equations are $X - 9Y = -288$ $X - 4Y = -36$ Then the correlation coefficient is இரண்டு தொடர்பு சமன்பாடுகளானது $X - 9Y = -288$ $X - 4Y = -36$ எனில் ஒட்டுமொத்த பிசுழுவானது (A) $\frac{2}{3}$ (B) $\frac{1}{3}$ (C) $\frac{1}{4}$ (D) 4
12.	86	Let $f(x) = 1 + x + x^3 + x^4$ and $g(x) = 2 + 2x + x^4$ be two polynomials over the field of rational numbers. Then which one of the following statements is true ? (A) Both $f(x)$ and $g(x)$ are irreducible over $\mathbb{Q}$. (B) Both $f(x)$ and $g(x)$ are not irreducible over $\mathbb{Q}$. (C) $f(x)$ is not irreducible over $\mathbb{Q}$ but $g(x)$ is irreducible over $\mathbb{Q}$. (D) $f(x)$ is irreducible over $\mathbb{Q}$ but $g(x)$ is not irreducible over $\mathbb{Q}$.

WEB COPY

13 .	99	Let V be the dual space of a finite dimensional vector space V over F. Let U and W be the sub-spaces of V. If $A(U) = \{f \in \hat{V} / f(u) = 0 \text{ for all } u \in U\}$ then, $A(U+W) =$ F மீதான முடிவுறு பரிமான திசையன்வெளி V-ன் இருமவெளி $\hat{V}$ என்க. U மற்றும் W என்பவை V-ன் உள்வெளிகள். $A(U) = \{f \in \hat{V} / f(u) = 0 \text{ அனைத்து } u \in U \text{ எனில் } A(U+W) =$ (A) $A(U) + A(W)$ (B) $A(U) \cap A(W)$ (C) $A(U \cap W)$ (D) $U + W$
14 .	101	If the correlation coefficient between two random variables X and Y is 0.5, then the correlation coefficient between $2X - 4$ and $3 - 2Y$ is : இரண்டு சமவாய்ப்பு மாறிகள் X மற்றும் Y ஆகியவற்றிற்கிடையேயான ஒட்டுறவு குணகம் 0.5 எனில் $2X - 4$ மற்றும் $3 - 2Y$ ஆகியவற்றிற்கு இடையேயான ஒட்டுறவு குணகம் ஆனது : (A) 1 (B) 0.5 (C) -0.5 (D) -1
15 .	102	If $T = \begin{pmatrix} 1 & 1 \\ 0 & 1 \end{pmatrix}$ is an operator on the Hilbert space l_2, then the value of $\ T\$ is equal to : $T = \begin{pmatrix} 1 & 1 \\ 0 & 1 \end{pmatrix}$ என்பது ஹில்பர்ட் வெளி l_2-இன் மீதான ஒரு செயலி எனில், $\ T\$-ன் மதிப்பு கீன்வரும் மதிப்புகளில் எதற்கு சமம் ? (A) 1 (B) 2 (C) $\sqrt{\frac{2+\sqrt{3}}{2}}$ (D) $\sqrt{\frac{3+\sqrt{5}}{2}}$
16 .	110	Which of the following set is uncountable ? (A) The collection of all sequences whose terms are the integers 0 and 1. (B) The set of circles in the complex plane having rational radii and centers with rational coordinates. (C) Any collection of disjoint intervals of positive length. (D) The set of all prime numbers.

17 .	121	-----used the term 'competence motivation' to describe the child's intrinsic need to deal with the environment. (A)McClelland (B)Carl Rogers (C)Abraham Maslow (D)Robert White
18 .	135	In a Mathematics activity session, because of the specificity of the problems, the student response are limited; this is ----- (A)Operant conditioning (B)Stimulus discrimination (C)Shaping (D)Chaining
19 .	140	Who among the following is referred to as the father of experimental study of learning? (A)E.L.Thorndike (B)John Watson (C)Wilhelm Wundt (D)Ebbinghaus

Question No. 3

Petitioner Claim Option " B "

Subject Expert Committee's views for accepting / rejecting of candidate's representation	Candidate's claim is based on frequency distribution. But the question asked is for probability distribution, and not frequency distribution. Candidate's references are not applicable here. Hence, the option "D" is correct answer.
Evidence	PROBABILITY MATHEMATICAL STATISTICS, MARET FISZ, 62-65

Question No. 12

Petitioner Claim Option "A "

Subject Expert Committee's views for accepting / rejecting of candidate's representation	The question asked is to find the quotient field, which is basically a field. But the candidate's claim is not at all a field. References cited by the candidate is misinterpreted by the candidate herself. Hence, the option "B" is correct answer.
Evidence	SECOND EDITION TOPICS IN ALGEBRA, I.N. HERSTEIN, 140

Question No. 20

Petitioner Claim Option "B/C"

Subject Expert Committee's views for accepting / rejecting of candidate's representation	In the formula $r = \pm \frac{b_{xy}}{b_{yx}}$ the sign is to be taken as follows:- • If the regression coefficients are positive, r is positive. • If the regression coefficients are negative, r is negative. Here, both the coefficients are negative. Hence, Option "B" is correct answer.
Evidence	FUNDAMENTALS OF MATHEMATICAL STATISTICAL, S.C. GUPTA, V.K.KAPOOR, 11.5 - 11.6

Question No. 21

Petitioner Claim Option "D"

Subject Expert Committee's views for accepting / rejecting of candidate's representation	On a closed interval, for any rational number, if a continuous function assumes the value 0, then it attains the value 0 throughout the interval. The candidate's evidence does not pertain to continuous function and are irrelevant to the question asked. Hence, the option "A" is correct answer.
Evidence	MATHEMATICAL ANALYSIS SECOND EDITION, T.S. BHANU MURTHY, 97

Question No. 25

Petitioner Claim Option "B"

Subject Expert Committee's views for accepting / rejecting of candidate's representation	The candidate's evidence pertain to conformal mapping properties whereas, the question is on indirectly conformal mapping. Also the candidate has misinterpreted the properties listed in her reference. Hence, the option "D" is correct answer.
Evidence	COMPLEX ANALYSIS, LARS V.AHLFORS, 74

Question No. 38

Petitioner Claim Option "D"

Subject Expert Committee's views for accepting / rejecting of candidate's representation	Candidate has claimed the facts for removable singularities. The question is related to irremovable discontinuities. The evidence produced by the candidate is not exhaustive. Hence, the option "B" is correct answer.
--	--

Evidence	MATHEMATICAL ANALYSIS: SECOND EDITION, T.S. BHANU MURTHY, 93, 94 & METHODS OF REAL ANALYSIS, RICHARD R. GOLDBERG, 113
----------	---

Question No. 39

Petitioner Claim Option "A"

Subject Expert Committee's views for accepting / rejecting of candidate's representation	Candidate's evidence gives only the formula and not the condition for maximality. The evidence by candidate is not appropriate. Hence, the option "C" is correct answer.
Evidence	FUNDAMENTALS OF MATHEMATICAL STATISTICS, S.C. GUPTA, V.K.KAPOOR, 10.40

Question No. 66

Petitioner Claim Option " D "

Subject Expert Committee's views for accepting / rejecting of candidate's representation	The candidate has misunderstood the concept of homomorphism and isomorphism. Implicitly, every isomorphism is a homomorphism. Hence, the option "A" is correct answer.
Evidence	SECOND EDITION TOPICS IN ALGEBRA, I.N. HERSTEIN, 55

Question No.70

Petitioner Claim Option " None "

Subject Expert Committee's views for accepting / rejecting of candidate's representation	The evidences produced by the candidate are not relevant to the question. Hence, the option "A" is correct answer.
Evidence	SECOND EDITION TOPICS IN ALGEBRA, I.N. HERSTEIN, 36

Question No. 77

Petitioner Claim Option " B"

Subject Expert Committee's views for accepting / rejecting of candidate's representation	The question relates to determining the probability of non-occurrence of n events, whereas, the candidate has interpreted the probability for the n th event, which is not correct. Hence, the option "D" is correct answer.
Evidence	FUNDAMENTALS OF MATHEMATICAL STATISTICS, S.C. GUPTA, V.K.KAPOOR, 3.50 - 3.51

Question No. 78

Petitioner Claim Option "A/B"

Subject Expert Committee's views for accepting / rejecting of candidate's representation	The correlation coefficient value always lies between -1 and 1. The candidate claim (option "B") the value exceeds 1, which is not possible. Hence, the option "A" is correct answer.
Evidence	FUNDAMENTALS OF MATHEMATICAL STATISTICS, S.C.GUPTA, V.K.KAPOOR, 11.10

Question No. 86

Petitioner Claim Option "A "

Subject Expert Committee's views for accepting / rejecting of candidate's representation	The candidate has misinterpreted the definition of irreducibility, proper evidence relevant to the question is produced, but the interpretation by the candidate is wrong. Hence, the option "C" is correct answer.
Evidence	SECOND EDITION: TOPICS IN ALGEBRA, I.N.HERSTEIN, 160

Question No. 99

Petitioner Claim Option "A"

Subject Expert Committee's views for accepting / rejecting of candidate's representation	Evidence produced by the candidate is for linear functionals, whereas the question is related to annihilators, properties of annihilators are not applied by the candidate at all. Hence, the option "B" is correct answer.
Evidence	EXPERT ANSWER PAPER

Question No. 101

Petitioner Claim Option "B"

Subject Expert Committee's views for accepting / rejecting of candidate's representation	In the formula $r(ax+b, cy+d)$ = $r(x,y)$, $(a,c \neq 0)$, depending on the values of a and c, the sign '+' or '-' has to be considered accordingly. If a and c are of opposite signs, then $=-1$. Hence, the option "C" is correct answer.
Evidence	FUNDAMENTALS OF MATHEMATICAL STATISTICS S.C.GUPTA, V.K.KAPOOR, 10.4

Question No. 102

Petitioner Claim Option "A"

Subject Expert Committee's views for accepting / rejecting of candidate's representation	The candidate has computed the norm of an element but not, the operator. Hence, the option "D" is correct answer.
Evidence	BEGINNING FUNCTIONAL ANALYSIS, KAREN SAXE, 115

Question No. 110

Petitioner Claim Option " C "

Subject Expert Committee's views for accepting / rejecting of candidate's representation	By the definition of uncountable set, only option "A" is uncountable and the remaining option are all countable. Hence, the option "A" is correct answer.
Evidence	MATHEMATICAL ANALYSIS SECOND EDITION, T.S.BHANU MURTHY, 39, 43, 45

Question No. 121

Petitioner Claim Option " C "

Subject Expert Committee's views for accepting / rejecting of candidate's representation	Robert White(1959) uses the term competence motivation to describe the child's "intrinsic need to deal with the environment" Hence option 'D' is correct.
Evidence	The Psychology of Learning and Instruction - P.De CECCO, WILLIAM R.CRAWFORD.

Question No. 135

Petitioner Claim Option " A "

Subject Expert Committee's views for accepting / rejecting of candidate's representation	Because of the specificity of the problems, the student responses are limited (stimulus discrimination. The teachers has made available on her desk the answers to each problem to that the students may check their answers as they go (reinforcement and immediacy is desired). Hence option 'B' is correct.
Evidence	School Learning and Instruction - HERSHEL D. THORNBURG.

Question No. 140

Petitioner Claim Option "A"

Subject Expert Committee's views for accepting / rejecting of candidate's representation	Ebbinghaus, the father of the experimental study of learning, produced evidence that indicated how quickly we forget what we've just learned (see page 213). Hence option 'D' is correct.
Evidence	Educational Psychology - Norman A.Sprinthall, Richard C.Sprinthall.

8. It is submitted that it is clearly stated in the notification that objections if any has to be submitted within the stipulated time with authenticated text books. Guides, notes, printout of unauthenticated material are not accepted.

9. It is submitted that the petitioner has not furnished any representation with authenticated proof as mentioned in the notification. As the evaluation of the Optical Mark Reader Answer Sheets of the candidates including that of the Petitioner was done with the revised and final key answers, the claim of the Petitioner for revaluation of the answer script has no legal justification. Consequently, the Petitioner cannot have any further grievance as against the 1st Respondent Board.

10. It is respectfully submitted that even a cursory glance at the opinions given by the Subject Experts and the authoritative proof on which such opinions were formed which are filed in the type set would evidently show that the Petitioner has not demonstrably proved the key answers of the 2nd Respondent Board to be wrong. It is pertinent to cite the finding of the Hon'ble Supreme Court in 'Kanpur University -Vs- Samir Gupta reported in A.I.R. 1983 SC 1230 in paras 16 & 17:

"We agree 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 rationalization. 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". (Para 16)

"If this were a case of doubt, we would have unquestionably preferred the key answer".(Para 17)

11. It is respectfully submitted that the Writ Petition is totally misconceived. The Petitioner chose to mislead this Hon'ble Court with legally unsustainable averments claiming that her answers are correct. It is pertinent to cite the ruling of the Division Bench of this Hon'ble Court in W.A.Nos.1097 and 1099 of 2014 dated 08.09.2014. The Hon'ble Division Bench held in para 6 of the above said Order that "it is settled law that while exercising the discretionary and extraordinary power under Article 226 of the Constitution of India, this Court cannot act like an expert body, by replacing the assessment made by experts." Further the Division Bench of this Hon'ble Court in the Order dated 12.08.2014 in W.A.No.1074 of 2014 and M.P.No.1 of 2014 categorically held that "the appellant cannot seek as a matter of right that the answers given by him will have to be construed as correct. The appellant could not produce any contra material to the satisfaction of the learned single Judge. The learned single Judge has also taken into consideration of the relevant material. The appellant was not able to demonstrate that the key answers pertaining to question Nos.31 and 86 were wrong. We do not find any merit in this appeal".

8.Relying on the counter affidavit, the learned Government Advocate further contended that the re-evaluations were done in the cases of the writ petitioners by considering their representations, and appropriate marks were awarded based on the report submitted by the Expert Committee in this regard. Thus, the grievance of the writ petitioners were redressed and in respect of selection, the petitioners have no locus standi in view of the fact that the selections are made based on the cut-off marks secured by the candidates and by following the rules and reservation. If at all, any of the representations are not considered by the authorities, the respondents are bound to consider such representations, take a decision and pass orders without any further delay.

9.With these directions, all these writ petitions stand disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

3. This apart, the Hon'ble Supreme Court of India in the case of U.P. Public Service Commission v. Rahul Singh reported in 2018 (7) SCC 254 settled the legal position in respect of the interference with the key answers provided by the Expert Committee, the Supreme Court has emphasized the need for judicial restraint in the matter of interference by the Courts with the key answers provided by the expert committee and in paragraph No.8 of the judgment, observed the extent and power of the Court to interfere in matters of academic nature has been the subject-matter of a number of cases and it is relevant to extract the paragraphs Nos.9,10 &11:

9. In Kanpur University v. Samir Gupta [Kanpur University v. Samir Gupta, (1983) 4 SCC 309], this Court was dealing with a case relating to the Combined Pre-Medical Test. Admittedly, the examination setter himself had provided the key answers and there were no committees to moderate or verify the correctness of the key answers provided by the examiner. This Court upheld the view of the Allahabad High Court that the students had proved that three of the key answers were wrong. The following observations of the Court are pertinent:

"16. ... We agree 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."

The Court gave further directions but we are concerned mainly with one that the State Government should devise a system for moderating the key answers furnished by the paper setters.

10. In Ran Vijay Singh v. State of U.P. [Ran Vijay Singh v. State of U.P., (2018) 2 SCC 357 : (2018) 1 SCC (L&S) 297], this Court after referring to a catena of judicial pronouncements summarised the legal position in the following terms: (SCC pp. 368-69, para 30)

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

30.1. 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;

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;

30.3. The court should not at all re-evaluate or scrutinise the answer sheets of a candidate—it has no expertise in the matter and academic matters are best left to academics;

30.4. The court should presume the correctness of the key answers and proceed on that assumption; and

30.5. In the event of a doubt, the benefit should go to the examination authority rather than to the candidate."

11. We may also refer to the following observations in paras 31 and 32 which show why the constitutional courts must exercise restraint in such matters: (Ran Vijay Singh case [Ran Vijay Singh v. State of U.P., (2018) 2 SCC 357 : (2018) 1 SCC (L&S) 297], SCC p. 369)

"31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse – exclude the suspect or offending question.

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."

4. In paragraph No.15 of the judgment, the Apex Court held that the High Court overstepped its jurisdiction by giving the directions which amounted to setting aside the decision of experts in the field.

5. In view of the legal principles settled, this Court is of an opinion that in view of the expert opinion offered by the Committee of experts, in respect of the disputed questions in this writ petition and the revision already effected by the respondents in respect of the disputed questions, no further consideration is required in the present writ petitioner.

6. In view of the similar order passed in the above writ petition, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

सत्यमेव जयते Sub Assistant Registrar

sk

To

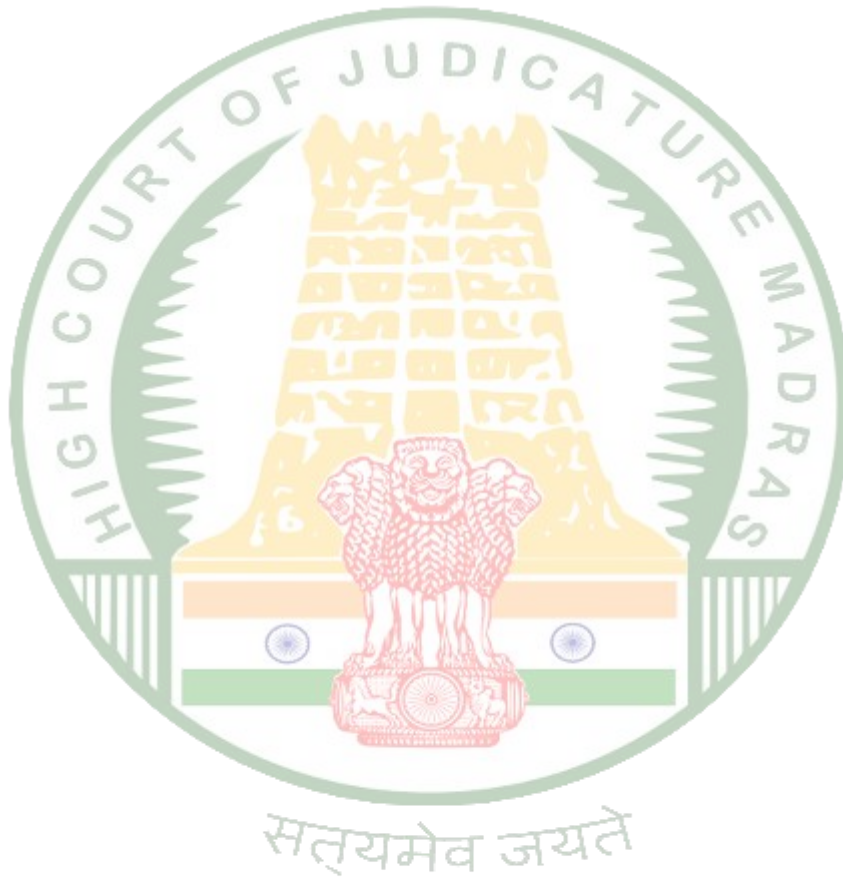
1. The Secretary
The State of Tamilnadu,
School Education Department,
Secretariat, Chennai.
2. The Chairman,
Teachers Recruitment Board,
EVK Sampath Maligai,
DPI Compound, College Road, Chennai-600 006.

3. The Expert Committee,
(Chemistry) Teachers Recruitment Board,
EVK Sampath Maligai, DPI Compound College Road,
Chennai-600 006.

+1cc to the Government Pleader, S.R.No.76743

W.P.No.25099 of 2017

SSD(CO)
CS/07/12/2018



WEB COPY