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W.P.No.235 of 2020 etc. batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**Dated: 30.08.2022**

CORAM:

**THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR**

**W.P.Nos.235, 238, 529, 662, 1619, 1726, 2831,  
3149, 3310, 3312, 3798 and 4086 of 2020**

**and**

**W.M.P.Nos.271, 274, 620, 773, 1897, 1997, 1996, 3272,  
3274, 3830, 3833, 4488 and 4833 of 2020 and W.M.P.Nos.6456,  
6460, 6462, 6463, 6464, 6466, 6468 and 6470 of 2022**

**W.P.No.235 of 2020:**

D.Selvarani

... Petitioner

Vs.

1.The State of Tamil Nadu,  
Rep by its Principal Secretary to Government,  
School Education Department,  
Secretariat, Fort St. George,  
Chennai - 600 009.

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

3.The Chairman,  
Teacher Recruitment Board,  
4<sup>th</sup> Floor, EVK Sampath Maligai,  
DPI Campus, College Road,  
Chennai - 600 006.

... Respondents



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**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the Respondents to award four marks for the Petitioner (19PG041300779) in respect of Physics subject based on the proof produced from standard Textbooks and consequently directing the Respondents to select and appoint the Petitioner to the Post of P.G.Assistant (Physics) under MBCW category, based on merits in the selection.

For Petitioner : Mr.G.Sankaran  
(in W.P.Nos.235, 238, 529, 1619,  
3310 and 3312 of 2020)

: Mr.V.Sivalingam  
(in W.P.No.662 of 2020)

: Mr.Sakthivel  
for Mr.Durai Gunasekaran  
(in W.P.Nos.1726, 3798 and  
4086 of 2020)

: Mr.S.S.Madhavan  
(in W.P.No.2831 of 2020)

: Ms.C.Uma  
(in W.P.No.3149 of 2020)

For R1 and R2 : Mr.T.Chezhiyan  
Additional Government Pleader

For R3 : Mr.R.Neelakandan  
Additional Advocate General  
Assisted by Mr.C.Kathiravan  
Special Government Pleader



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### **COMMON ORDER**

By consent of the learned counsel appearing for the parties, these writ petitions are taken up for final disposal and they have agreed that based on the report of the Expert Committee, appropriate orders may be passed in these writ petitions.

2. These writ petitions have been filed challenging the following disputed questions in various subject as tabulated below:-

| Sl. No. | Petitioner Name             | Writ Petition No.                   | Subjects    | Disputed Questions                                                                                                         |
|---------|-----------------------------|-------------------------------------|-------------|----------------------------------------------------------------------------------------------------------------------------|
| 1.      | Unnamalai                   | W.P.No.662/2020                     | Tamil       | 44 and 87                                                                                                                  |
| 2.      | P.Suguna                    | W.P.No.3310/2020                    | English     | 50                                                                                                                         |
| 3.      | M.Palani                    | W.P.No.1726/2020                    | Mathematics | 96 and 111                                                                                                                 |
| 4.      | R.Saravanan                 | W.P.No.3798/2020                    | Mathematics | 96                                                                                                                         |
| 5.      | C.Senthil Kumar             | W.P.No.3149/2020                    | Botany      | 106                                                                                                                        |
| 6.      | G.Mayakrishnan              | W.P.No.4086/2020                    | Physics     | 34, 46, 70 and 98                                                                                                          |
| 7.      | D.Selvarani                 | W.P.No.235/2020                     | Physics     | 34, 46, 59, 98                                                                                                             |
| 8.      | K.Manikandan                | W.P.No.238/2020                     | Physics     | 59 and 98                                                                                                                  |
| 9.      | 1. R.Sukumar<br>2.E.Ayyanar | W.P.No.1619/2020<br>W.P.No.529/2020 | Economics   | 3, 7, 8, 12, 20, 23, 24, 29, 34, 36, 37, 41, 42, 43, 51, 58, 60, 76, 77, 79, 86, 92, 95, 96, 98, 99, 102, 103, 130 and 144 |
| 10.     | R.Sathya                    | W.P.No.2831/2020                    | History     | 1, 66, 85, 86 and 111                                                                                                      |



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3. According to the petitioners, they have answered the aforesaid questions correctly, but the final key answers published by the 3<sup>rd</sup> respondent-Board is incorrect and therefore, they have made objections to the 3<sup>rd</sup> respondent-Board and since their claim has not been considered, they have filed the present writ petitions before this Court.

4. In pursuant to the interim order passed by this Court dated 05.08.2022, the 3<sup>rd</sup> respondent-Board has referred the objections raised by the petitioners in respect of the disputed questions, by constituting an Expert Committee, who examined the disputed questions in detail with the authorized textbooks and filed their report in sealed covers.

5. In respect of Tamil Subject, the petitioner in W.P.No.662 of 2020, namely B.Unnamalai has disputed Question Nos.44 and 87. A perusal of the Expert Committee's report discloses that the petitioner has given wrong answer for the said questions and therefore, he is not entitled for any marks.



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6. Insofar as English Subject is concerned, Ms.P.Suguna, the petitioner in W.P.No.3310/2020 has disputed Question No.50 and the answer given by the petitioner for the said question is Option-A and the Expert Committee opined that options A & D both are correct. The Expert Committee agreed with the objection raised by the said petitioner and therefore, the petitioner is entitled for mark in respect of disputed Question No.50 in English Subject.

7. As regards Mathematics subject is concerned, the petitioner in W.P.No.1726 of 2020, namely M.Palani has disputed Question Nos.96 and 111 and the petitioner in W.P.No.3798 of 2020, namely R.Saravanan has also disputed Question No.96. A perusal of the Expert Committee's report discloses that both petitioners have given wrong answer for Question No.96 and therefore, they are not entitled for any marks for Question No.96. The petitioner in W.P.No.1726 of 2020 has given correct answer for Question No.111 and the Expert Committee opined that options B and C both are correct, therefore, the Expert Committee agreed with the objection raised by the petitioner in W.P.No.1726 of 2020 in respect of Question No.111. Hence, the



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petitioner in W.P.No.1726 of 2020 is entitled for mark in respect of disputed Question No.111 in Mathematics Subject.

8. Insofar as Botany Subject is concerned, the petitioner in W.P.No.3149 of 2020, namely C.Senthil Kumar has disputed Question No.106. A perusal of the Expert Committee's report discloses that the petitioner has given wrong answer for the said question and therefore, he is not entitled for any marks.

9. Insofar as Physic Subject is concerned, the Petitioner in W.P.No.4086 of 2020, namely G.Mayakrishnan has disputed Question Nos.34, 46, 70 and 98, the Petitioner in W.P.No.235 of 2020, namely D.Selvarani has disputed Question Nos.34, 46, 59 and 98 and the Petitioner in W.P.No.238 of 2020, namely K.Manikandan has disputed Question Nos.59 and 98. A perusal of the Expert Committee's report discloses that the petitioners have given wrong answers for the said questions and therefore, they are not entitled for any marks.

10. As regards Economics Subject is concerned, the petitioner in



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W.P.No.1619 of 2020, namely R.Sukumar and the petitioner in W.P.No.529 of 2020, namely E.Ayyanar have disputed Question Nos.3, 7, 8, 12, 20, 23, 24, 29, 34, 36, 37, 41, 42, 43, 51, 58, 60, 76, 77, 79, 86, 92, 95, 96, 98, 99, 102, 103, 130 and 144. A perusal of the Expert Committee's report discloses that both the petitioners have given correct answers for Question Nos.8 and 29 and the Expert Committee opined that options C and D are correct for the said Questions Nos.8 and 29 respectively. Therefore, the Expert Committee agrees with the objection raised by the petitioners in respect of Question Nos.8 and 29. Hence, the petitioners in W.P.No.529 and 1619 of 2020 are entitled for marks in respect of disputed Question Nos.8 and 29 in Economics Subject.

11. Insofar as History Subject is concerned, the petitioner in W.P.No.2831 of 2020, namely R.Sathya has disputed Question Nos.1, 66, 85, 86 and 111. A perusal of the Expert Committee's report discloses that the petitioner has given wrong answers for the said questions and therefore, she is not entitled for any marks.

12. The scope of interference over the decision of an Expert



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Committee has been considered in detail in the decision of the Hon'ble Supreme Court in the case of **Basavaiah (DR.) vs. DR.H.L. Ramesh** reported in **(2010) 8 SCC 372** and the relevant paragraph of the said decision held as follows:-

*“38. We have dealt with the aforesaid judgments to reiterate and reaffirm the legal position that in the academic matters, the courts have a very limited role particularly when no mala fide has been alleged against the experts constituting the selection committee. It would normally be prudent, wholesome and safe for the courts to leave the decisions to the academicians and experts. As a matter of principle, the courts should never make an endeavour to sit in appeal over the decisions of the experts. The courts must realize and appreciate its constraints and limitations in academic matters.”*

13. Following the aforesaid decision of the Hon'ble Supreme Court, this Court in W.P.No.8191 of 2020 dated 28.06.2022 has observed as hereunder:-



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*“7. It is well settled that 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. The Hon'ble Supreme Court in Civil Appeal No.5838 of 2018 [Arising out of SLP (C) No.12472 of 2018 etc.,] has observed that “Unless the candidate demonstrates that the key answers are patently wrong on the face of it, if the Courts cannot enter into academic field, weigh the pros and cons of the arguments by both sides and then come to the conclusion as to which of the answer is better or more correct”.*

*8. It is also well settled that in academic matters, the Courts have a very limited role particularly when no malafides have been alleged against the experts constituting the Selection Committee. It would normally be prudent, wholesome and safe for the Courts to leave the decisions to the academicians and experts. As a matter of principle, the Courts should never make an*



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*endeavour to sit in appeal over the decision of the experts. The Courts must realise and appreciate its constraints and limitations in academic matters.”*

In the light of the aforesaid decision cited supra, this Court cannot interfere over the decision of the Expert Committee. The petitioners have also not produced any other substantive materials before this Court to sustain their claim that the answers opted by them to the disputed questions are correct.

14. In the light of the above discussions and the decisions cited supra, this Court has passed the orders as follows:-

- (i) The 3<sup>rd</sup> respondent/Teachers Recruitment Board is directed to award marks to the petitioners as tabulated below:-

| Sl. No. | Petitioner Name             | Writ Petition No.                   | Subject     | Disputed Question No. |
|---------|-----------------------------|-------------------------------------|-------------|-----------------------|
| 1.      | P.Suganya                   | W.P.No.3310/2020                    | English     | 50                    |
| 2.      | M.Palani                    | W.P.No.1726/2020                    | Mathematics | 111                   |
| 3.      | 1. R.Sukumar<br>2.E.Ayyanar | W.P.No.1619/2020<br>W.P.No.529/2020 | Economics   | 8 and 29              |



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(ii) After awarding the marks to the aforesaid petitioners as tabulated above and if they reaches the zone of consideration, the 3<sup>rd</sup> respondent/Teachers Recruitment Board may consider them for selection to the post of P.G. Assistant in their respective subjects and the same shall be forwarded to the Educational Authority for issuance of appointment orders to the said petitioners.

(iii) The aforesaid exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

(iv) The claim of other writ petitioners for awarding marks to the remaining disputed questions stands rejected in the light of the decision cited supra.

15. Accordingly, the writ petitions in W.P.Nos.3310, 529 and 1619 of 2020 are allowed, W.P.No.1726 of 2020 is partly allowed and W.P.Nos.235, 238, 662, 2831, 3149, 3312, 3798 and 4086 of 2020 are dismissed. No costs. Consequently, the connected miscellaneous



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petitions are closed.

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Index :Yes/No  
Speaking Order :Yes/No  
dm



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To  
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- 1.The Principal Secretary to Government,  
State of Tamil Nadu,  
School Education Department,  
Secretariat, Fort St. George,  
Chennai - 600 009.
- 2.The Director of School Education,  
DPI Campus, College Road,  
Chennai - 600 006.
- 3.The Chairman,  
Teacher Recruitment Board,  
4<sup>th</sup> Floor, EVK Sampath Maligai,  
DPI Campus, College Road,  
Chennai - 600 006.



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**D. KRISHNAKUMAR, J.**

dm

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**W.P.Nos.235 and 238 of 2020**

**D.KRISHNAKUMAR, J.**

The matter is listed today under the caption for “Being mentioned” at the instance of the learned counsel for the petitioners.

2. It is represented by the learned counsel for the petitioners that due to inadvertence, the following mistakes had crept as under in the order dated 30.08.2022:

“In Para 2 – Sl.No.1 in the tabular column- Disputed Questions were wrongly typed as 44 and 87 and instead of 94 and 87.

In Para 14 (i), at Sl.No.1 in tabular column the petitioner name is wrongly mentioned as P.Suganya instead of P.Suguna.”

3. Heard Mr.R.Neelakandan, learned counsel for the respondents also.

4. In the light of the above, the following corrections shall be carried out in the order dated 30.08.2022:

“In Para 2 – Sl.No.1 in the tabular column- Disputed Questions should be read as “94 and 87”

In Para 14 (i), at Sl.No.1 in tabular column, the petitioner's name should be read as P.Suguna.”

5. Registry is directed to carry out necessary corrections and issue fresh order copy.

18.11.2022

Jvm