



W.P.(MD)No.17629 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.09.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)Nos.17629 & 17630 of 2022

and

W.M.P(MD)Nos.12846 & 12847 of 2022

W.P(MD)No.17629 of 2022:

M.Kavitha

... Petitioner

Vs

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

2.The State represented by
The Member Secretary,
Teachers Recruitment Board,
3rd Floor,
Puratchi mThalaivar Dr.M.G.R Centenary Building,
DPI Campus,
College Road,
Chennai – 600 006.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to provide 3 Additional Marks to the petitioner, answer correctly in Question



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Numbers 18, 32 and 85 examination conducted on 20.02.2022 in Roll No. 251156, Registration No. TRB CI568550 for Direct Recruitment for the post of Post Graduate Assistants / Physical Education Directors Grade-I / Computer Instructor Grade I in School Education and Other Departments for the year 2020-2021 based on the petitioner's representation dated 08.07.2022.

For Petitioner : Mr.S.Alagarsamy

For Respondents : Mr.S.Shaji Bino
Special Government Pleader for R.1

Mr.VR.Shanmuganathan
Standing Counsel for R.2

W.P(MD)No.17630 of 2022:

R.M.Dhivya

... Petitioner

Vs

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

2.The State represented by
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... Respondents



W.P.(MD)No.17629 of 2022

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the second respondent to provide 4 Additional Marks to the petitioner, answer correctly in Question Numbers 18, 32, 85 and 98 examination conducted on 20.02.2022 in Roll No. 245391, Registration No. TRB C1778699 for Direct Recruitment for the post of Post Graduate Assistants / Physical Education Directors Grade-I / Computer Instructor Grade I in School Education and Other Departments for the year 2020-2021 based on the petitioner's representation dated 09.07.2022.

For Petitioner : Mr.S.Alagarsamy

For Respondents : Mr.S.Shaji Bino
Special Government Pleader for R.1

Mr.VR.Shanmuganathan
Standing Counsel for R.2

COMMON ORDER

Heard the learned counsel on either side.

2. The Teachers Recruitment Board (TRB) issued notification dated 09.09.2021 calling for applications from eligible candidates for the post of Computer Instructor Grade-I. The petitioners applied in response there to. They took part in the written examination. The written examinations were held from 12.02.2022 to 20.02.2022. The tentative key was published on 09.04.2022. Objections were received from a large number of candidates. After referring the matter to the expert committee, the final key was published on 13.04.2022. It is relevant to note here that some of the objections raised by



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the candidates including the writ petitioners herein were sustained. The dispute is only in respect of the following two questions:

“32.C++ compiler has an _____which create objects, even though it was not defined in the class.

A : Copy constructor

B : Default constructor

C : Implicit constructor

D : Dynamic constructor

98. Which is the basic data type of SQL?

A : Decimal

B : Byte

C : Float

D : Bit”

3. According to the writ petitioners, “default constructor” is the correct answer for the first question while for the second question “decimal” is also one of the correct answers. But according to the final key published by Teachers Recruitment Board, for the first question “implicit constructor” is the correct answer while for the second question “float” is the correct answer. This stand taken by Teachers Recruitment Board is challenged by the writ petitioners in these writ petitions.



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4. The learned counsel appearing for the petitioner took me through the averments set out in the affidavits filed in support of the writ petitions. Both the candidates were also present in person before me. The candidates produced quite a few books, some of them by foreign authors, to contend that the final key is incorrect and that their stand is correct.

5. I must frankly record my impression that there is considerable force in the stand taken by the writ petitioners. The writ petitioners anchored their case on the answers set out in standard and prescribed textbooks. But I am unable to grant relief to the writ petitioners. On the last occasion, I called upon the learned Standing Counsel for Teachers Recruitment Board to make available the report of the experts recorded in respect of these two questions. The expert opinion considering the candidates' objections have been placed before me. The stand of the experts is that "implicit constructor" is correct answer for the first question while "float" is the correct answer for the second question. The experts have relied on the answer found in Object-Oriented Programming with C++ authored by E.Balagurusamy published by Tata McGraw-Hill Publishing Company Limited, New Delhi and the Database System Concepts authored by Abraham Silberschatz, Henry F.Korth and S.Sudarshan published by McGraw Hill Education (India) Private Limited.



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6. The learned Standing Counsel appearing for Teachers Recruitment Board relied on the decision of the Hon'ble Supreme Court reported in **(2018) 2 SCC 357 (Ran Vijay Singh Vs State of Uttar Pradesh)**. In this case the Hon'ble Supreme Court had held as follows:

“30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are: (i) 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; (ii) 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; (iii) The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate – it has no expertise in the matter and academic matters are best left to academics; (iv) The Court should presume the correctness of the key answers and proceed on that assumption; and (v) In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.”



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This decision has been subsequently followed in the decision reported in
(2018) 7 SCC 254 (U.P.S.C., Through its Chairman Vs Rahul Singh).

7. In view of the aforesaid categorical pronouncement of the Hon'ble Supreme Court, even though this Court is swayed by the submission of the writ petitioners, I am unable to interfere in the matter. These writ petitions are therefore dismissed. Consequently, connected miscellaneous petitions are closed. No costs.

27.09.2022

Index : Yes / No
Internet : Yes/ No
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