



W.P.No.33457 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2023

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.33457 of 2023

R.Kannagasundari

...Petitioner

Vs

1. The Teachers Recruitment Board,
Rep. by its Chairman,
DPI Campus, College Road,
Chennai 600 006.

2. The Expert Committee,
Rep. by its Chairman,
DPI Campus, College Road,
Chennai 600 006

..Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records of the First Respondent in order dated R.C.No.8143/F3/2022 dated 23.05.2023 to quash the same and direct the respondents to award marks to the petitioner in respect of Master Question Nos.55 for the examination undergone by the petitioner on 06.02.2023 (2nd Batch AN) in Tamil Nadu Teachers Eligibility Test in Paper II language – I; Tamil pursuant to Advertisement No.01/2022 dated 07.03.2022.



W.P.No.33457 of 2023

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For Petitioner : Mr.U.Gowri Shankar

For Respondents : Mr.R. Siddharth for R1

ORDER

The petitioner's candidature in the Teachers Eligibility Test for the year 2022 was rejected through the impugned order dated 23.05.2023. Claiming that the key answer for Question No.55 in the said test has been wrongly made, the petitioner had given her objection. However, the petitioner's objection has been rejected through the order dated 23.05.2023, which is put under challenge in the present writ petition.

2. In the impugned order dated 23.05.2023, it is stated that Question No.55 which the petitioner has objected, was also objected by 77 other candidates. In accordance with the objections, an expert committee was formed and on re-verification by the experts, it was opined that there was no change to the final answer keys that was published in the website on 28.03.2023. When the expert committee themselves have re-evaluated the Question No.55 to which the petitioner has raised her



W.P.No.33457 of 2023

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objection and have come to the conclusion that there is no change in the final answer keys, this Court in exercise of its powers under Article 226 of Constitution of India, will not re-visit the opinion of the experts. This view has been taken by me in various decisions including the case of ***[Murugesan Vs. The Secretary to Government and another]*** in ***WP MD Nos.15686 and 15711 of 2022*** in the following manner :-

6. The core issue involved in both the Writ Petitions, is as to whether this Court, exercising its power under Article 226 of the Constitution of India, would be justified in analyzing the academic materials placed before this Court for the purpose of re-evaluating the final Key Answers?

7. Such an exercise by this Court is neither feasible nor permissible, in view of the various decisions rendered by the Hon'ble Supreme Court, as well as the High Courts. In the case of Uttar Pradesh Public Service Commission Vs. Rahul Singh and another reported in 2018 (7) SCC 254, this issue was predominantly dealt with in the following manner:

“9. What is the extent and power of the Court to interfere in matters of academic nature has been the subject matter of a number of cases. We shall deal with the two main cases cited before us.



10. In *Kanpur University, through Vice Chancellor and Others vs. Samir Gupta and Others* [(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 3 of the key answers were wrong. 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 6/16 <https://www.mhc.tn.gov.in/judis> WP(MD)Nos.15686 & 15711 of 2022 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.....”

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.

11. In *Ran Vijay Singh and Others vs. State of Uttar*



W.P.No.33457 of 2023

Pradesh and Others [(2018) 2 SCC 357], this Court after referring to a catena of judicial pronouncements summarized the legal position in the following terms:-

“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 reevaluation 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 rationalization” 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 scrutinies 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



W.P.No.33457 of 2023

examination authority rather than to the candidate.”

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:-

“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



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W.P.No.33457 of 2023

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.”

12. The law is well settled that the onus is on the candidate



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W.P.No.33457 of 2023

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. In Kanpur University case (supra), the Court recommended a system of - (1) moderation; (2) avoiding ambiguity in the questions; (3) prompt decisions be taken to exclude suspected questions and no marks be assigned to such questions.

13. As far as the present case is concerned even before publishing the first list of key answers the Commission had got the key answers moderated by two expert committees. Thereafter, objections were invited and a 26 member committee was constituted to verify the objections and after this exercise the Committee recommended that 5 questions be deleted and in 2 questions, key answers be changed. It can be presumed that these committees consisted of experts in various subjects for which the examinees were tested. Judges cannot take on the role of experts in academic matters. Unless, the candidate demonstrates that the key answers are patently wrong on the face of it, the courts cannot enter into the academic field, weigh the pros and



W.P.No.33457 of 2023

cons of the arguments given by both sides and then come to the conclusion as to which of the answer is better or more correct.

14. In the present case we find that all the 3 questions needed a long process of reasoning and the High Court itself has noticed that the stand of the Commission is also supported by certain text books. When there are conflicting views, then the court must bow down to the opinion of the experts. Judges are not and cannot be experts in all fields and, therefore, they must exercise great restraint and should not overstep their jurisdiction to upset the opinion of the experts.

15. In view of the above discussion we are clearly of the view that the High Court over stepped its jurisdiction by giving the directions which amounted to setting aside the decision of experts in the field. As far as the objection of the appellant - Rahul Singh is concerned, after going through the question on which he raised an objection, we ourselves are of the prima facie view that the answer given by the Commission is correct.”

8. The aforesaid extract is self-explanatory. The ratio that when the Experts have evaluated certain questions and derived answers to it, the High Court, in exercise of its powers under Article 226 of the Constitution of India,



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W.P.No.33457 of 2023

cannot revisit such an opinion of the experts and array at its own conclusion, has been adopted consistently in various other decisions also, including this Court. When such powers have divested under a line of decisions rendered by the Hon'ble Supreme Court, including Rahul Singh's case (supra), this Court is unable to appreciate the grounds raised by the petitioners herein for the purpose of re-evaluating the questions to which the Experts in the concerned subjects have already rendered their opinion.

3. Thus, the claim of the petitioner herein in the present writ petition, does not deserve consideration and accordingly, the writ petition stands closed. No costs.

07.12.2023

Index:Yes/No

Speaking order/Non-speaking order

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DPI Campus, College Road,
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2. The Expert Committee,
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W.P.No.33457 of 2023

M.S.RAMESH,J.

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W.P.No.33457 of 2023



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W.P.No.33457 of 2023

07.12.2023