



1

W.P.(MD)NO.21978 OF 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 30.06.2023

PRONOUNCED ON: 18.07.2023

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.21978 of 2022 AND
W.M.P.(MD)Nos.16146 & 16147 of 2022 & 6066 of 2023

P.Sivananaintha Perumal

... Petitioner

Vs.

1. The Chairman,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
Chennai – 600 006.
2. The Director,
Directorate of Technical Education,
Guindy, Chennai.
3. S.Kiruthiga,
Roll No.19PT063078161,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
Chennai – 600 006.
4. K.Ezilarasi,
Roll No.19PT063004406,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
Chennai – 600 006.

... Respondents



Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned selection list dated 31.7.2022 and deletion list dated 09.09.2022 on the file of the 1st respondent and quash the same and further directing the respondents to examine the objections of the petitioner to the question in Q.No. 13 (Part B), 31 (Part A), 32 (Part A) , 38 (Part A), 56 (Part A), 90 (Part A) and 20 (Part B) through an expert body and allot marks as per the findings.

For Petitioner : Mr.P.Sivananaintha Perumal ,
Party-in-person.

For R-2 : Mr.N.Satheesh Kumar,
Additional Government Pleader.

For R-1 : Mr.V.R.Shanmuganathan,
Standing counsel.

* * *

ORDER

Heard the petitioner in person and the learned Standing counsel appearing for TRB and the learned Additional Government Pleader appearing for the second respondent.



2. At request of the Court, Dr.T.V.Gopal, Professor, Department of Computer Science and Engineering, College of Engineering, Anna University, Chennai, assisted the Court.

3. The Teachers Recruitment Board issued notification calling for applications from eligible candidates for the post of Lecturer in Computer Science Engineering in Government colleges. The petitioner was one of the applicants. He belongs to B.C. category. He had secured 120 marks. The cut-off mark is 121. Therefore, he could not find place in the final selection list. The stand of the petitioner is that for the petition-mentioned questions, final key answers published by TRB is incorrect and that he should be awarded 9 more marks.

4. When the matter was taken up for final hearing, this Court requested Professor Dr.T.V.Gopal to meet the contentions of the writ petitioner one by one. The exercise went on for close to 90 minutes. Professor Dr.T.V.Gopal was one of the four members of the expert committee. He did not set the questions. The expert committee entered at the stage of scrutinising the objections lodged by the candidates. The



expert committee independently finalised the final key answers first. Thereafter, they considered the views of the question setters in the light of the objections lodged by the candidates. At request of the Court, Professor Dr.T.V.Gopal underwent the exercise in respect of the petition mentioned questions again. In respect of one question, I felt that the petitioner was also right. The Hon'ble Apex Court had held in more than one case that unless the Court is satisfied that the final key answers of the recruiting agency is palpably and demonstrably wrong, interference is not permissible. The expert after scrutinising the objections and contentions of the petitioner one by one, informed the Court that he stood by the correctness of the final key answers. The Hon'ble Apex Court in the decision reported in **(2018) 2 SCC 357 (Ran Vijay Singh and Ors. Vs. State of U.P. and Ors.)** 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,



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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 reevaluate 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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7

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To:

The Director,
Directorate of Technical Education,
Guindy, Chennai.



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8

W.P.(MD)NO.21978 OF 2022

G.R.SWAMINATHAN,J.

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W.P.(MD)No.21978 of 2022

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