



W.P.Nos.11303, 12989, 15627, 15603, 22132 & 22134 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 06.02.2024

Pronounced on : 12.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.11303, 12989, 15627, 15603, 22132 & 22134 of 2023 and
WMP.Nos.11185, 11188, 12786, 15097 & 15098 of 2023

WP.No.11303 of 2023

A.Dhanalakshmi

... Petitioner

Vs.

- 1.The Secretary,
Department of School Education,
Secretariat,
Chennai
- 2.Commissioner,
Directorate of School Education,
DPI Complex, College Road,
Chennai
- 3.The Chairman,
Teachers Recruitment Board,
College Road,
Chennai 600 006

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Certiorari calling for the records in notification No.1/2022 dated 07.03.2022 and to quash the impugned result of the petitioner published by the third respondent dated 29.03.2023 bearing Roll No.22TET2103696456 and Enrolment No.TET 2221020572.



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WP.No.11303 of 2023

For Petitioner : Mr.V.Balamurugane

For Respondents

For R1 & 2 : Mrs.S.Mythereye Chandru,
Special Government Pleader

For R3 : Mr.R.Neelakandan,
Additional Advocate General
Assisted by
Mr.K.Sathish

WP.Nos.12989 & 15603 of 2023

For Petitioner : Mr.M.R.Jyothimanian

For Respondents

For R1 & 2 : Mrs.S.Mythereye Chandru,
Special Government Pleader

For R3 : Mr.R.Neelakandan,
Additional Advocate General
Assisted by
Mr.K.Sathish

WP.No.15627 of 2023

For Petitioner : Mr.S.Ramachandran

For Respondents

For R1 : Mrs.S.Mythereye Chandru,
Special Government Pleader



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For R2 : Mr.R.Neelakandan,
Additional Advocate General
Assisted by
Mr.K.Sathish

WP.Nos.22132 & 22134 of 2023

For Petitioner : Mr.M.Manikandan

For Respondents

For R1 : Mrs.S.Mythereye Chandru,
Special Government Pleader

For R2 : Mr.R.Neelakandan,
Additional Advocate General
Assisted by
Mr.K.Sathish

COMMON ORDER

These writ petitions have been filed challenging the notification dated 07.03.2022 in notification No.1 of 2022, challenging the result published by the third respondent dated 29.03.2023 in pursuant to the said notification, challenging the answer key in respect of some of the questions and for direction to the respondents to consider the representations submitted by the petitioners to award grace marks for the wrong questions.



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2. The second respondent issued notification vide Advertisement No.1 of 2022 dated 07.03.2022 inviting applications from eligible candidates for Teacher Eligibility Test Paper 1 and Paper II for the year 2022. All the petitioners applied and the second respondent conducted examination for Paper I and Paper II. After examination, on 22.02.2023, the second respondent had released the tentative key answers with the master question paper in PDF form. The candidates were instructed to submit their respective objections or representations with regards to the answer key. Accordingly, the candidates submitted their objections or representations within a stipulated time i.e. from 22.02.2023 to 25.02.2023. All the petitioners have raised their objections and also submitted their representations with regard to their respective questions and answer keys.

3. Insofar as the petitioner in WP.No.11303 of 2023, she raised objections for the answer keys of questions serial Nos.14, 35, 65, 69, 73, 99, 103, 114 and 139 in paper-II. Likewise the petitioner in WP.No.12989 of 2023 raised objections insofar as the answer keys of



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question Nos.81, 104 and 144 of paper-II. The petitioner in WP.No.15627 of 2023 raised objections for the answer keys of questions Nos.27 & 70 of paper II, the petitioner in WP.No.15603 of 2023 raised objections in respect of the answer keys of questions Nos.81 & 104 of paper II and the petitioners in WP.Nos.22132 & 22134 of 2023 raised objections in respect of the answer keys of question Nos.5, 74 & 79 of paper II.

4. The Teachers Recruitment Board had received 16409 objections in respect of 1346 questions in paper II from 3341 candidates including the petitioners herein. All the objections were taken for screening by respective subject experts. The candidates who submitted the proof from textbooks alone were considered by experts with the answer keys. The guides, correspondence course materials and non standard reference books were not entertained by Teachers Recruitment Board. Further, mere objections and representations were not considered without any evidence. Out of 16409 objections, 375 objections for paper II were scrutinised by the experts. Maximum objections were raised in



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respect of 87 questions by maximum candidates of 82. Totally 106 subject experts were deputed from various Government educational institutions and scrutinised their objections. The revised and final answer key have been arrived by experts. The opinion of the subject experts is final and further objections or representations on the answer key will not be entertained by the Board. Accordingly, some of the objections / representations were accepted and those were awarded marks. Accordingly, all the petitioners scored 81 marks. All the petitioners belong to BC category and they ought to have scored 82 marks to get qualified in the Teachers Recruitment Test. Though they were awarded marks as per their objections, they were not qualified in the Teacher Eligibility Test.

5. The learned counsel appearing for the petitioners submitted that if their objections for their respective questions were properly considered by the experts, they would have scored more than 82 marks and they will be qualified in the Teacher Eligibility Test. However, their objections were not considered properly by comparing the materials



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furnished along with their objections. They also produced materials to justify their objections for their respective answer keys. This Court cannot go into the materials produced before this Court to justify their objections for their respective answer keys since this Court is not expert to scrutinise the answer keys when the conscious decision has been taken by the experts and this Court has not expertise in the academic matters.

6. The learned counsels further contended that the petitioners had raised objections to the tentative answer keys and without considering their objections, final answer keys have been published. When published final answer keys are demonstrably erroneous, this Court should interfere and set-right the same. They have also relied upon the judgment of the Madurai Bench of this Court in the case of ***R.Jeya Rani Vs. The State of Tamilnadu rep. by its Secretary and another*** rendered in WP.(MD).No.8113 of 2023, etc batch, wherein it is held that when material error has been committed and in rare or exceptional cases, this Court can interfere. They also relied upon some standards textbooks on the relevant subject or textbooks published by the Tamilnadu



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Textbooks Corporation to buttress their contentions that their answers are correct and the answers finalised by the experts are not correct.

7. However, this Court finds that there are no reason to suspect the credentials of those experts. This Court cannot sit on appeal as against the expert opinion and adjudicate upon an academic issue whether the answers finalised by the expert body is correct or the answer that is projected by the candidates are correct. In this regard, it is relevant to rely upon the judgment of the Hon'ble Division Bench of this Court in the case of ***Director of School Education Vs. Mercy Vennila*** in WA.No.598 of 2022, wherein it is held as follows:

15. We have considered the rival submissions made on either side and perused the material records of the case. At the outset, even if the final key answers/the marks in respect of the said questions have to be interfered on any ground, the same cannot be done only with respect to the petitioners alone. The error if at all has to be corrected has to be done in respect of all the candidates. Therefore, the writ petitioners ought to have challenged the final key answers and the Select List. This Court, if at all could have interfered, can only order awarding of



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marks in respect of all the candidates and re-work the Select List. In the absence of such prayers and in the absence of such an exercise, allowing the Writ of Mandamus prayed for by the writ petitioners to grant marks for them alone is untenable as this exercise does not result in the meritorious candidates being selected. Therefore, the very writ petition, as filed for a Writ of Mandamus, is bound to fail.

16. Even otherwise, as rightly pointed out by the learned Additional Advocate General, the law on the subject has been categorically laid down by W.A.Nos.598, 600, 602 to 609 of 2022 the Hon'ble Supreme Court of India in the [Uttarpradesh Public Service Commission Vs. Rahul Singh and Anr.](#) (cited supra) that 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. Therefore, in the first place, when as per the notification draft key answers were published, the objections were invited and duly considered by an expert committee, appointing another expert committee itself is stretching the discretion, a little far. In any event, when the said experts, constituted by this Court, have opined that even in respect of the said questions, the questions are answerable and the key



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*answers for the same are found to be correct and when the other candidates have answered the questions, the exercise undertaken by the learned Judge, to go into the merits of the said opinion and to form a contrary opinion certainly is not in order as per the dictum **laid down by** the Hon'ble Supreme Court of India and therefore, we have no other option than to interfere with the order of the learned Judge and thus, we find that the order of the learned Judge is unsustainable.*

8. In the case of **Priya.N. Vs. The Secretary to Tamilnadu** in WP(MD)No.2527 of 2015, this Court held as follows:

4.The said questions as alleged by the petitioner were evaluated for the purpose of awarding marks and accordingly, cut-off marks were fixed. Thus, the writ petitioner cannot seek direction to reevaluate the questions. Once the questions are evaluated and a common decision is taken by the Teachers Recruitment Board to award marks or not to award marks, it is to be applied uniformly to all the candidates who participated in the process of selection. In the present case, the said five questions were not omitted by the Teacher Recruitment Board. This apart, the Teachers



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Recruitment Board has categorically stated that regarding the correctness of the answers, the Court is not an expert body. The Court cannot evaluate the answers or answer sheets.

5.This being the factum now established, after a lapse of about five years, the selection already made deserves no interference and accordingly, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

9.. Also in the case of ***Sumathi Vs. The Chairman*** in WP.No.3063 of 2022 dated 21.02.2022, this Court held as follows:

"4. Admittedly, the final key answers have been made by an expert body constituted. The appellants are not able to demonstrate before us that the said key answers are not correct. In this regard, it is quite opposite to point out a Division Bench judgment dated 20.12.2012 passed by this Court in W.A.No.837 of 2010, wherein, the methodology adopted in not awarding any mark to certain questions, was approved. This apart, the appellants cannot seek marks without even knowing as to whether the answer given by them was correct or not".

Apart from this, this Court, in W.P No.29605 of 2013 has held that the correctness of the said questions



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has already been decided by this Court in earlier writ petitions and the aforesaid judgment was confirmed by the Division Bench of this Court in W.A.No.1097 of 2014. In the light of the aforesaid facts and decisions cited supra, especially dealt with recruitment, there is no merits in this writ petition and the same is liable to be dismissed.

5. Accordingly, this writ petition stands dismissed. No costs. Consequently, connected writ miscellaneous petition is closed.

10. However, the learned counsels for the petitioners relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Ran Vijay Singh and Others Vs. State of Uttar Pradesh and Others*** reported in **(2018) 2 SCC 357**, wherein it is 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



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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.

11. They also relied upon the judgment of the Hon'ble Supreme Court of India in the case of ***Vikesh Kumar Gupta and another Vs. State of Rajasthan and others*** reported in ***(2021) 2 SCC 309***, wherein it is held as follows:

16. In view of the above law laid down by this Court, it was not open to the Division Bench to have examined the correctness of the questions and the answer



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key to come to a conclusion different from that of the expert committee in its judgment dated 12-3-20194. Reliance was placed by the appellants on Richal v. Rajasthan Public Service Commission 10. In the said judgment, this Court interfered with the selection process only after obtaining the opinion of an expert committee but did not enter into the correctness of the questions and answers by itself. Therefore, the said judgment is not relevant for adjudication of the dispute in this case.

12. In the present cases, as per notification dated 07.03.2022, the candidates must secure 60% and above to qualify in the Teacher Eligibility Test. However, the relaxation of 5 marks will be given to BC, BC(M), MBC/DNC, SC, SC(A), ST and persons with disability candidates. Therefore, the qualifying marks for paper II in respect of category other than OC is 82 marks. All the petitioners had secured only 81 marks. Therefore, they were not qualified in Tamilnadu Teacher Eligibility Test paper-II. After thorough scrutiny, the revised and final answer key have been arrived by the experts. Subject experts' opinion is final and further representations on key answers will not be entertained by the second respondent and the entire process has attained finality.



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Therefore, the judgments cited by the learned counsels appearing for the petitioners are not helpful to the case on hand.

13. In view of the above, all the writ petitions are devoid of merits and liable to be dismissed. Accordingly, all the writ petitions are dismissed. Consequently, connected miscellaneous petitions are closed.

There shall be no order as to costs.

12.03.2024

Internet: Yes

Index: Yes/No

Speaking/Non-speaking order

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To

- 1.The Secretary,
Department of School Education,
Secretariat,
Chennai
- 2.Commissioner,
Directorate of School Education,
DPI Complex, College Road,
Chennai
- 3.The Chairman,
Teachers Recruitment Board,
College Road,
Chennai 600 006



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G.K.ILANTHIRAIYAN, J.

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