



W.P.No.13332 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 22.01.2024

CORAM :

**THE HON'BLE MR.SANJAY V.GANGAPURWALA ,
CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY**

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1. E.Valarmathi
2. G.Sujipriya
3. A.Arun
4. P.Banupriya
5. R.Vaidevi
6. S.R.Athira
7. M.Thilagavathi

.. Petitioners

Versus

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Teachers Recruitment Board,
Rep. by its Member Secretary,
3rd Floor, Puratchi Thalaivar 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 seeking a Writ of Mandamus directing the 2nd respondent to adopt the normalization process for the marks secured by the candidates in the TET



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Paper - II examination conducted by the 2nd respondent pursuant to Notification No.01/2022, dated 07.03.2022 in 23 multiple sessions in various centers in the State of Tamil Nadu between 3rd February, 2023 to 15th February, 2023 as envisaged by the 2nd respondent itself in Notification No.01/2021, dated 09.09.2021 to derive rational and standardized results and ensure equality of opportunity as enshrined in article 14 of the Constitution of India for the candidates to get eligibility to write the competitive exam for the various cadres of teachers in the School Education Department pursuant to G.O.Ms.No.149, School Education (Aa.The.Va) Department, dated 20.07.2018.

For Petitioners : Mrs.Nalini Chidambaram, Senior Counsel
for Ms.C.Uma

For Respondents : Mr.P.Muthukumar,
State Government Pleader for R1
: Mr.C.Kathiravan,
Special Government Pleader for R2

ORDER

(Order made by the Hon'ble Mr.Justice D.Bharatha Chakravarthy)

This Writ Petition is filed for a Mandamus directing the respondents to adopt normalization process for the marks secured by the candidates in TET Paper - II examination conducted by the second



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respondent pursuant to the Notification No.1 / 2022, dated 07.03.2022 and consequently, derive rational and standardized results.

2. The brief facts leading to filing of the Writ Petition are that the petitioners possess the educational qualifications of Higher Secondary and Two Year Diploma in Teaching and Education or such equivalent or higher qualifications. In order to qualify to be appointed as Teachers under the respondents, by virtue of the notification issued under the *Right of Children to Free and Compulsory Education Act, 2009*, originally vide G.O.(Standing) No.181, dated 15.11.2011 followed by the subsequent Government Orders, G.O. (Standing) No.149, dated 20.07.2018 being the latest, the petitioners have to secure a minimum of 60% in the Teacher Eligibility Test conducted by the respondents.

3. By a notification, dated 07.03.2022, applications were called for in respect of the said test and all the petitioners applied and undertook the test. The test was conducted between 03.02.2023 to 15.02.2023 in all totaling to 23 sessions. The respondents have set different question papers for different sessions and as such, the difficulty level was different. For



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example, when the fourth petitioner, *P.Banupriya*, wrote on 10.02.2023 forenoon, out of 11,562 candidates appearing along with her, only 231 candidates qualified constituting only 2% of the candidates who wrote the examination. Whereas, in a session on 07.02.2023 forenoon, while 10,105 candidates undertook the examination, 1,398 candidates qualified constituting about 12.15% of the candidates. Thus, it can be seen that the difficulty level in respect of various sessions varies and therefore, in such situations, the respondents ought to have followed the normalization process.

4. As a matter of fact, when the Teacher Eligibility Test was earlier conducted pursuant to the notification, dated 09.09.2021, a method of normalization was contained in the notification itself. Paragraph Nos.10 and 11 of the notification read thus :-

"10. Normalization of the marks :

The Computer Based Examination may be conducted in multiple sessions. Whenever Computer Based Examination is conducted in multiple sessions based on the same syllabus, same pattern for candidates having same eligibility criteria, the raw marks obtained by the candidates in different sessions will be converted to normalized marks. A candidate will be permitted to appear only in one session. Attending more than one session will automatically leads to disqualification of the candidature and no further correspondence in this regard will be entertained.



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In case the examinations are conducted in only one session, actual marks obtained by the candidates will only be considered for calculating the Merit List.

11. Calculation of normalized marks for multi-session papers:

In case of multi-session papers, a suitable normalization is applied to take into account any variation in the difficulty levels of the question papers across different sessions. The following Normalization formula for calculating the normalized marks for the multi-session paper is adopted as followed in various Competitive Examinations in India.

Normalization mark of jth candidate in ith session $\hat{M}_{ij}$ is given by:

$$\hat{M}_{ij} = \frac{\overline{M}_i^T - M_j^E}{\overline{M}_i^T - \overline{M}_i^E} (M_j - M_0) + M_0^E$$

- M_0 : the actual marks obtained by the jth candidate in jth session.
- $\overline{M}_i^T$: the average marks of the top 0.1% of the candidates considering all sessions.
- M_j^E : the sum of mean and standard deviation marks of the candidates in the paper considering all sessions.
- $\overline{M}_i^E$: the average marks of the top 0.1% of the candidates in the ith session or marks of topper if session strength is less than 1000.
- M_{ij} : the sum of the mean marks and standard deviation of the jth session.

5. Therefore, it is mandatory for the respondents to carry out a similar normalization process in the present examination also. All the petitioners have lost out in clearing the examination marginally and if



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normalization process is adopted, there is every likelihood that the petitioners would be declared as passed.

6. The Writ Petition is resisted by the second respondent by filing a counter-affidavit. It is submitted that all the petitioners though appeared for TNTET examination, they did not clear Paper - II and their marks are tabulated as follows :-

S.No.	Name	Registration No.	Batch	Marks
1.	E.Valarmathi	TET2226750122	4th Feb.2023 Afternoon	81
2.	G.Sujipriya	TET2222777531	10th Feb.2023 Forenoon	80
3.	A.Arun	TET2223624456	11th Feb.2023 Afternoon	79
4.	P.Banupriya	TET2227002525	10th Feb.2023 Forenoon	80
5.	R.Vaidevi	TET2224645114	10th Feb.2023 Forenoon	79
6.	S.R.Athira	TET2223321173	10th Feb.2023 Forenoon	77
7.	M.Thilagavathi	TET2112750226	13th Feb.2023 Forenoon	78

7. Unless the petitioners get the minimum qualifying marks of 60% being 90, they cannot be declared as having qualified for appointment. The present notification binds the petitioners. There is no process of normalization which is mentioned in the notification. When there is no provision or rule, the respondents cannot resort to the method of



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normalization. Rules cannot be changed after the process is over. The petitioners were very much aware that there is no process of normalization and after participating in the selection process, they cannot now turn back and challenge the process just because they failed in the examination.

8. As far as the earlier notification of the year 2021 is concerned, it was not only an eligibility test, but was a composite test of eligibility as well as recruitment. When the examination was held as a competitive examination, then, since it would result in disparity and unfair advantage among the competitors for the recruitment and hence normalization process was followed. Since the present examination was strictly an eligibility test, the petitioners are liable to secure the minimum eligibility marks and therefore, the normalization process, which was carried on in the previous occasions, cannot be insisted upon by the petitioners.

9. We have heard *Mrs.Nalini Chidambaram*, learned Senior Counsel for *Ms.C.Uma*, learned Counsel appearing on behalf the petitioners and *Mr.P.Muthukumar*, learned Government Pleader appearing on behalf of



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the first respondent and *Mr.C.Kathiravan*, learned Special Government Pleader appearing on behalf of the second respondent.

10. *Mrs.Nalini Chidambaram*, learned Senior Counsel appearing on behalf the petitioners, reiterating the contentions raised in the Writ Petition, would submit that it is a principle based on rule of law that whenever the same examination is conducted in batches by using different sets of question papers, to avoid disparity between the batches, as it is extremely impossible to maintain the same difficulty level for all the batches, the process of normalization has to be followed. Merely because it is not mentioned in the present notification, it would not disentitle the respondents from following such process. On the other hand, to pass the test of reasonableness and to treat all the candidates who participated pursuant to the notification, dated 07.03.2022 as equal, it would be mandatory for the respondents to follow such a process. Therefore, the petitioners cannot be non-suited on the ground that they did not challenge the notification. As a matter of fact, if normalization method is followed, all the petitioners would be successful and unless they are successful, they will not be considered for the further process of selection.



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11. The learned Senior Counsel would further contend that the respondents are artificially trying to draw distinction when there is no difference. Whether the examination is for eligibility or is also a composite examination for recruitment makes no difference. The question is of the difficulty level. When different sets of questions were asked for 23 different batches in which the examination was held, then the respondents were certainly bound to adopt the normalization process.

12. Per *contra*, *Mr.C. Kathiravan*, learned Special Government Pleader appearing on behalf of the second respondent, would submit that firstly, there is no enabling provision in the notification. Secondly, the petitioners did not challenge the notification and as such, after participating in the selection, they are trying to impugn the very process which cannot be permitted. Thirdly, in the earlier process, only because the examination was also competitive in nature, the process of normalization was followed.

13. The learned Government Pleader would rely upon the judgment of this Court made in W.P.No.32383 of 2003 (*Dr.Vennila Vs.*



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Tamil Nadu Public Service Commission (T.N.P.S.C)) for the proposition

that authorities would be bound by instructions contained in notification.

The learned Government Pleader would further rely upon the judgment of this Court in W.P.(MD).No.29205 of 2022 (***S.Thavamani Vs. The Teachers Recruitment Board***) for the proposition that after accepting the rules and provisions of the selection, the petitioners cannot now turn around and contest that a different rule should be adopted.

14. We have considered the rival submissions made on either side and perused the material records of the case. The question which falls for consideration is that whether or not the petitioners can seek for a direction that the respondent should adopt normalization process ?

15. Nowadays, these kind of examinations involve large number of candidates participating in the examinations. Multiple choice questions are used. If the number of candidates are larger, the test is administered by dividing them into groups / batches and as such, this necessitates that different set of questions being put to. The entity conducting the examinations tries to ensure that different question papers are of the same



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level of difficulty. But, however, in practice, it is difficult to achieve this.

Universally, it is believed that the intelligence level of the participants who are assigned randomly to different batches is believed to be more or less the same. If the average marks in one group are more in another group, then the same is normally attributed to the difference in difficulty levels. To achieve fairness in any selection, various methods are used for normalization of marks.

16. These methods involve transformation of the raw scores or the actual marks secured by the candidates based on statistical quantities like mean, standard deviation, percentiles etc., of the scores in that shift and the results are used to achieve normalized scores. There are various methods, by which, this process can be done. Useful reference can be made in this regard to the article titled '*Normalisation of marks in multi-session examinations*' authored by *Abhay G. Bhatt, Sourish Das and Rajeeva L. Karandikar*¹.

17. It can be seen that the primary aim of the process is to ensure fairness in competition. Thus, when the examination itself is not a

¹ <https://www.currentscience.ac.in/Volumes/118/01/0034.pdf>



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competitive examination and it is only an eligibility test, then, the relative unfairness which is claimed, cannot be on the same footing as that of a competitive examination. TET is a screening test to ensure minimum standard. The relative disadvantage in an eligibility test cannot be elevated to the status of discrimination so as to claim violation of Article 14 or Article 16 of the Constitution of India and pray for normalization as a matter of right. When it cannot be a matter of right, in the absence of the same being prescribed in the notification, the petitioners cannot claim that the respondents should normalize the marks. The difference between ‘competition’ and attaining ‘basic minimum standards’ is well demarcated. Useful reference can be made in this regard to the Judgment of the Hon’ble Supreme Court in *Andhra Pradesh Public Service Commission Vs. Balaji Badhavath and Ors.*¹ when the same was exposted in the context of reservation, more particularly in paragraph 32. Thus, we are unable to grant any relief to the petitioners.

18. In the result, this Writ Petition is dismissed. No costs. Consequently, C.M.P.No.13037 of 2023 is closed. C.M.P.No.13035 of

¹ (2009) 5 SCC 1



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2023, filed to permit the petitioners to join together to file a single Writ
Petition, is allowed and disposed of.

(S.V.G., CJ.)

(D.B.C., J.)

22.01.2024

Index : yes
Speaking order
Neutral Citation : yes
grs

To

1. The Secretary to Government,
School Education Department,
Fort St. George, Chennai - 600 009.
2. The Member Secretary,
Teachers Recruitment Board,
3rd Floor, Puratchi Thalaivar Dr.M.G.R.Centenary Building,
DPI Campus, College Road,
Chennai - 600 006.



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**THE HON'BLE CHIEF JUSTICE
AND
D.BHARATHA CHAKRAVARTHY, J.**

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