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W.P.Nos.15095 & 24501 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

W.P.Nos.15095 and 24501 of 2024
and WMP Nos.16400, 26813 & 26814 of 2024

Viswakaran. B

... Petitioner
in Both WPs

-Vs-

The Chaiman
Teachers Recruitment Board
Puratchi Thalaivar Dr.M.G.R.Centenary
Buuilding, DPI Campus
College Road
Chennai 600 006.

... Respondent
in Both WPs

Prayer in WP.No.15095 of 2024 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondent to evaluate and award correct marks for Question Nos.90 and 103 under "A" Series which are co-related to Question Nos.50 and 113 under "D" Series which was supplied to the writ petitioner and consider the petitioner for direct recruitment of post for Graduate Assistant in mathematics arising out of the Notification No.03/2024 dated 25.10.2023, Notification No.3A/2024 dated 15.11.2023 and Notification No.3B/2024 dated 17.05.2024 issued by the respondent within a time frame to be fixed by this Court.

Prayer in WP.No.24501 of 2024 : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the



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records of the respondent culminating in the impugned provisional selection list for Direct Recruitment of Graduate Assistance/Block Resource Teacher Education (BRTE) – 2023 dated 19.07.2024 issued by the respondent quashing the same for non selection of the petitioner alone and directing the respondent to award correct marks for Question Nos.90 and 103 under “A” Series which are co-related to Question Nos.50 and 113 under “D” Series which was supplied to the writ petitioner and consider the petitioner for direct recruitment of post for Graduate Assistant in mathematics arising out of the Notification No.03/2024 dated 25.10.2023, Notification No.3A/2024 dated 15.11.2023 and Notification No.3B/2024 dated 17.05.2024 issued by the respondent within a time frame to be fixed by this Court.

For Petitioner : Mr.K.Ashok Kumar
(Both WPs)

For Respondents : Mr.R.Neelakandan
(Both WPs) Additional Advocate General
Asst. by
Mr.C.Kathiravan
Standing Counsel

COMMON ORDER

These writ petitions have been filed for re-evaluation and for awarding marks to the petitioner for Question Nos.90 and 103 and to add the name of the petitioner in the provisional selection list for direct recruitment to the post of Graduate Assistant in Mathematics/Block Resource Teacher Education 2023.

2.When the matter came up for hearing on 28.08.2024, this Court passed the following order:

The short issue that arise for consideration in both these writ



petitions pertains to the final key answer that was given to Question Nos.90 and 103. According to the petitioner, when the tentative key answers were published, for Question No.90 the key answer was given as 'B'. For Question No.103 the key answer was given as 'B'. The petitioner has taken a specific stand that the answers that were given in the tentative key answer is correct. However, subsequently when the final key answers were published, for Question No.90, the key answer was changed as 'C' and for Question No.103 it was changed as 'A'.

2.The learned counsel for the petitioner by relying upon the recognized textbooks substantiated his arguments that for Question No.90, the correct answer is “B” and for Question No.103, the correct answer is “B”.

3.The learned counsel submitted that if marks are granted to the petitioner for these two questions, the petitioner stands a god chance to get selected as a Graduate Assistant in Mathematics under BC category. The petitioner will come within the zone of consideration since the marks fixed for GT G it is 108.5 and for BC G is 108 marks.

4.The learned Standing Counsel appearing on behalf of the Teachers Recruitment Board submitted that after the tentative key answers were published, for Question No.90, 144 objections were raised and for Question No.103, 199 objections were received. The same was placed before the Expert Committee. The Expert Committee scrutinized those questions once again and thereafter the final key answer was published to the effect that for Question No.90, the correct answer is “C” and for Question No.103, the correct answer is “A”.



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5.In the written instructions received by the learned Standing Counsel, there is no reference to the books that were relied upon by the Expert Committee to come to such a conclusion. The learned Standing Counsel seeks for time to take instructions in this regard.

Post these writ petitions at the end of the motion list on 30.08.2024.

3.Pursuant to the above order, the report of the Expert Committee was placed before this Court.

4.Insofar as Q.No.90 is concerned, the Expert Committee has justified the answer given in the final key answer as "C" by independently working out this question and also relying upon a book named 'Laplace Transformations', written by Ganesh C.Gorain.

5.Insofar as Q.No.103 is concerned, the Expert Committee has justified the final key answer as "A" by independently working out this question and also relying upon a book named 'Complex Analysis' written by Dr.S.Arumugam and two Others.

6.In view of the above, this Court is now placed with two sets of answers and both sides are relying upon some textbooks. To handle such a situation, the earlier order passed by this Court in WP.No.23157 of 2024, dated 23.08.2024, can be relied upon. The relevant portions are extracted hereunder:



27.A combined reading of all the judgments that were relied upon by either side brings out the following principles:

(a) The Court has to presume the correctness of the answer key and proceed and in case of any doubt, the benefit should go to the examining authority.

(b) It is beyond the jurisdiction of the Court to ascertain the correctness of answer keys.

(c) The entire burden is upon the candidates to demonstrate that the key answers are incorrect and that it is a glaring mistake apparent on the face of the options given.

(d) The burden of proof is upon the candidates to establish that the mistake is apparent and it does not involve an inferential process or a process of reasoning to conclude that key answer is wrong.

(e) When the Court has to undergo the process of reasoning, it cannot enter into such expert field and conclude which is the right answer and which is wrong and ;

(f) Even when there are conflicting views, the Court has to lean in favour of the opinion of the experts.

28.The questions that have been extracted along with the options shows that it involves a field of expertise. Both sides have relied upon some textbooks. It is not as if the Expert Committee has given its conclusions without basis. They have certainly relied upon standard textbooks. The textbooks that have been relied upon by the petitioner seems to be giving a different answer for certain questions.

29.I carefully applied my mind and found that it is not possible for me to perfectly understand the expertise involved in the questions and the options given. As a Judge, it sounds to me like Greek and Latin.



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When it is not possible for me to appreciate and understand the questions and the options given, I should not be venturing into an area where I am ignorant to find out whether the textbooks relied upon by the petitioner is correct or the textbooks relied upon by the Expert Committee is correct. Even if I have to choose between the textbooks relied upon by either side and come to a conclusion, I must first understand the contents which involves a process of reasoning.

30.To understand the predicament faced by me, let me take an analogy. If an expert in the field deals with the very same issue, that expert will read the textbooks relied upon by both the sides and while concluding as to which textbook has given the right answer, that expert will give the reasons as to why he has come to such a conclusion. Since I am not an expert, I cannot undertake this process. That is the reason why the Apex Court is repeatedly holding that the Courts must not unnecessarily trench upon the area of experts.

31.In the light of the above discussion, since a long drawn process of reasoning is required to find the correct answer based on the textbooks relied upon by both the sides, it will be more safer to go by the opinion given by the Committee consisting of five experts in the field of Chemistry. This Court holds that the benefit must only lean in favour of the examining authority in such a scenario and it cannot go in favour of the candidates.

7.In view of the above, it will be more safer to go by the opinion given by the Committee consisting of five experts in the field. Accordingly, the benefit must lean only in favour of examining authority.



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8.In the result, this Court is not inclined to grant the relief as sought for by the petitioner and accordingly, both the writ petitions stand dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

30.08.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order : Yes /No
KP

To

The Chaiman
Teachers Recruitment Board
Puratchi Thalaivar Dr.M.G.R.Centenary
Buuilding, DPI Campus
College Road
Chennai 600 006.

N.ANAND VENKATESH. J.,
KP



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