



W.P.No.18876 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.18876 of 2022

S.Saranya Rubini

...Petitioner

-Vs-

1.The Chairman
Teachers Recruitment Board
EVK Sampath Maaligai
D.P.I. Compound, College Road
Chennai – 6.

2.The Principal Secretary to Government
Higher Education Department
St. George Fort, Secretariat
Chennai – 600 009.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 1st respondent to pass orders on the representation dated 13.07.2022 by adding 6 marks for the question Nos.31, 32, 38 & 56 in Part A and question No.20 in Part B in the Written Examination and revise the rank list by re-evaluating the petitioner's marks from 110 to 116 in the selection of Polytechnic Lecturer in Computer Science Engineering.



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For petitioner : Mr.C.Balasundar

For respondent-1 : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.C.Kathiravan

For respondent-2 : Mr.T.Seenivasan
Special Government Pleader

ORDER

This Writ Petition has been filed for direction to the 1st respondent to pass orders on the representation dated 13.07.2022 seeking adding 6 marks for the question Nos.31,32,38 & 56 in Part A and question No.20 in Part B in the written examination.

2. The petitioner had written the Polytechnic Lecturer in Computer Science department conducted by 1st respondent in the month of December 2021. There are grievances in the tentative answer key released by the 1st respondent on 07.01.2022. The petitioner submitted objection through the objection tracker of 1st respondent on 09.01.2022. On 08.03.2022, final answer key released by the 1st respondent for question



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Nos.31,32,38,56 in Part A and question No.20 in Part B. However, the objection was not considered by the 1st respondent and mechanically rejected the objection raised by the petitioner. Therefore, the petitioner submitted detailed representation as per the standard text book prescribed by Anna University to evaluate the final answer key by awarding marks for the questions.

3. The 1st respondent filed counter stating that on receipt of the 17037 objections submitted from the candidates and the same were taken for scrutiny by subject experts. As far as the petitioner is concerned, she raised objection for 19 questions in which three questions were rectified and rightly changed in the final answer key. Insofar as other objections are rejected. Once again, the petitioner sought for revaluation as per the objection raised by the petitioner. The board has taken utmost effort to carry out the procedure as to the process releasing tentative answer key after the careful examination made by the expert committee and affording opportunity to the petitioner before taking the final decision.



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4. The learned Additional Advocate General appearing on behalf of 1st respondent submitted that the expert committee had examined all the objections in respect of the key answers and published final keys. Therefore, when the exercise has been duly carried out by the expert body, there was no occasion for this Court to enter into the domain of experts and re-appreciate the correctness or otherwise and the questions and the key answers. Therefore, the objections were thoroughly examined by the Subject Expert Committee and the opinion of the subject expert committee is final. The Hon'ble Division Bench of this Court in W.A.Nos.1097 and 1099 of 2014 dated 08.09.2014 held as follows:

"Coming to the contention of the learned counsel for the appellant in W.A.No.1099 of 2014 that one question has not been covered by the earlier orders passed by the learned single judge, we are not inclined to accept the same, for the reason that the expert body, on an analysis, found that the answer given by the appellant in W.A.No.1099 of 2014 was not a correct one. It is



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settled law that while exercising the discretionary and extraordinary power under Article 226 of the Constitution of India, this court cannot act like an expert body, by replacing the assessment made by experts."

5. It is pertinent to mention the findings of the Hon'ble Supreme Court of India in the case of '**Kanpur University vs Samir Gupta** reported in **AIR 1983 SC 1230 in Para.16 and 17** as follows:

"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 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.

If this were a case or doubt, we would have unquestionably preferred the key answer. "



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6. Therefore, the objection raised by the petitioner was rightly considered by the expert committee and corrected the final key answers. In so far as other objectionable questions, were rejected by the expert committee. In view of the above, the representation submitted by the petitioner cannot be considered and this writ petition is liable to be dismissed. Accordingly, this writ petition is dismissed. No costs.

08.01.2024

Index : Yes/No
Internet: Yes/No
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