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W.P.No.19928 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.01.2024

CORAM:

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

W.P.No.19928 of 2022
and W.M.P.No.19230 of 2022

D.Swathigavaishnave

...Petitioner

-Vs-

1. The Chairman,
Teachers Recruitment Board,
College Road,
Chennai – 600 005.

2. The Member (TET),
Teachers Recruitment Board,
College Road,
Chennai – 600 005.

3. The Director of Technical Education,
Directorate, Guindy,
Chennai – 25.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for records relating to the second respondent's order made in Rc.No.6840/E2/2019 dated 16.03.2022 to quash the same and to consequently direct the respondents to select and appoint the petitioner to the post of Lecturer in Government Polytechnic Colleges and Special Institutions (Engineering & non-Engineering) Tamil Nadu Education Service for the year 2017-2018.



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For Petitioner : Mr.L.Chandrakumar
For Respondents
For R1 & R3 : Dr.T.Seenivasan
Special Government Pleader
For R2 : Mr.R.Neelakandan
Additional Advocate General
Assisted by Mr.C.Kathiravan

ORDER

This writ petition has been filed challenging order dated 16.03.2022, passed by the second respondent in Rc.No.6840/E2/2019, thereby rejecting the request made by the petitioner to change the final answer key in respect of the examination conducted for direct recruitment of Lecturers in government Polytechnic Colleges for the year 2017-2018.

2. The petitioner had written the Polytechnic Lecturer in Computer Science department conducted by first respondent in the month of December 2021. There are grievances in the tentative answer key released by the first respondent on 07.01.2022. The petitioner submitted objection through the objection tracker of first respondent for the question Nos.18,31,32,34,38,56,62 in Part A and question Nos.13,20,28 in Part B. On 08.03.2022, final answer key released by the



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first respondent. However, the objection was not considered by the first 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 and the same was rejected by the impugned order. Hence, the petitioner approached this Court by way of the present writ petition.

3. Heard the learned counsel appearing on either side and perused the material placed before this Court.

4. The first respondent filed counter stating that on receipt of the 1567 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 14 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 her. The Board has taken utmost effort to carry out the procedure as to the process releasing



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tentative answer key after the careful examination made by the expert committee and affording opportunity to the petitioner before taking the final decision.

5. The learned Additional Advocate General appearing on behalf of second 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.

6. 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



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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 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."

7. 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"

8. Therefore, the objection raised by the petitioner was rightly considered by the expert committee and corrected the final key answers.



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The other objectionable questions were rejected by the expert committee.

Hence, the second respondent rightly rejected the representation submitted by the petitioner and this Court finds no infirmity or illegality in the order passed by the second respondent. This writ petition is devoid of merits and liable to be dismissed.

9. Accordingly, the Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no orders as to costs.

10.01.2024

Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

rts



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