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W.P.No.23157 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON : 21.08.2024

PRONOUNCING ORDERS ON : 23.08.2024

Coram:

THE HONOURABLE JUSTICE MR.N.ANAND VENKATESH

W.P.No.23157 of 2024
and WMP Nos.25302 & 25303 of 2024

S.Srinivasan

..Petitioner

.Vs.

1.The State of Tamilnadu
Rep.by its Principal Secretary to Government
School Education Department
Fort St.George
Chennai 600 009.

2.The Director of School Education
DPI Campus, College Road
Chennai 600 006.

3.Teachers Recruitment Board
4th Floor, DPI Campus
College Road, Chennai-600 006.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India, praying for the issuance of a Writ of Declaration, to declare that the petitioner is eligible for additional marks in the competitive examination held by the 3rd respondent on 04.02.2024 and consequentially eligible to be appointed as Graduate Teacher – Chemistry pursuant to the recruitment notification No.3/2023 dated 25.10.2023 and addendum notifications No.03A/2023 dated 15.11.2023 and No.03B/2023 dated 17.05.2024.

For Petitioner : Mrs.N.Kavitha Rameshwar



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For Respondents : Mrs.P.Rajarajeshwari
Government Advocate
for R1 & R2

Mr.R.Neelakandan
Additional Advocate General
Asst.by:
Mr.K.Sathishkumar
for R3

ORDER

This writ petition has been filed for the issue of a Writ of Declaration to declare that the petitioner is eligible for additional marks in the competitive examination held by the 3rd respondent on 04.02.2024 and to appoint the petitioner as Graduate Teacher - Chemistry.

2.The case of the petitioner is that the 3rd respondent issued recruitment Notification to fill up the post of graduate teachers on 25.10.2023. The petitioner applied for the post of Graduate Teacher - Chemistry. The competitive examination was conducted by the 3rd respondent on 04.02.2024. The 3rd respondent published the tentative answer key during February 2024 and directed the candidates to submit their objections, if any. Thereafter, on 18.05.2024, the 3rd respondent published the final answer key, wherein the 3rd respondent granted 12 marks under the category of Star questions. However, the questions that were specifically mentioned by the petitioner was not considered and hence marks were not granted to the petitioner.

3.The 3rd respondent had ultimately published the results on 18.05.2024 and the



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petitioner secured 109 marks including weightage marks. The 3rd respondent published the list of candidates for certificate verification on 27.05.2024 and the name of the petitioner was not found in that list. It is under these circumstances, the petitioner has approached this Court seeking for a declaration to declare that the petitioner is eligible for additional marks and consequently to appoint the petitioner as Graduate Teacher - Chemistry.

4. When the matter came up for hearing on 13.08.2024, this Court passed the following order:

Mrs.S.Mythreya Chandru, learned Special Government Pleader [Edn.], takes notice for respondents 1 and 2.

2. Mr.R.Neelakandan, learned Additional Advocate General, assisted by Mr.K.Sathish Kumar, learned counsel, takes notice for third respondent.

3. The short issue that arises for consideration in the present writ petition pertains to the options that have been to Question Nos.39, 60, 75, 92 and 135.

4. According to learned counsel for petitioner, for each one of those questions, none of the option will apply and it is on the face of it wrong options. It was further submitted that on an earlier occasion, twelve such questions were identified and marks were allotted to all the candidates. However, in spite of pointing out to these five questions, which have glaring wrong options in the question paper, no action was taken.

5. Learned Additional Advocate General appearing on behalf of third respondent submitted that he will get the expert report regarding the answers for Question Nos.39, 60, 75, 92 and 135 and depending upon the same, final orders can be passed in this writ petition.

6. Based on the materials that have been placed before this Court, this



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Court prima facie finds that the options given to the above questions will not be an answer to the question that has been asked. It is stated that the provisional list has already been completed and it has been handed over to the Government for proceeding further to issue appointment orders. To safeguard the interest of the petitioner, this Court is inclined to direct the first respondent to keep one post of BT Assistant/Graduate teacher - Chemistry vacant till the next date of hearing.

Post this case under the caption 'for orders' on 21.08.2024 at 02.15 p.m.

5.Pursuant to the above order, the Expert Committee has submitted its report.

The Expert Committee has come up with the following conclusions:

Sl.No.	Question No.	Correct Answer
1	39	[A]
2	60	[B]
3	75	[A]
4	92	[C]
5	135	[C]

6.It is quite evident from the above that the Expert Committee has reiterated the final answer key that was published on 18.05.2024 with respect to the above questions. While submitting such a report, the Committee has also specifically placed reliance upon the authorized textbooks and the relevant copies from those textbooks also forms part of the report.

7.Heard Mrs.N.Kavitha Rameshwar, learned counsel for petitioner,
Mr.R.Neelakandan,learned Additional Advocate General for R3 and



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Mrs.P.Rajarajeshwari, learned Government Advocate for R1 & R2.

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8.The case of the petitioner is that for Question Nos.39, 92 and 135, all the four options that were given are wrong and none of those options will be the correct answer for those three questions. Insofar as Question No.75 is concerned, it pertains to working out a formula and the petitioner states that the correct answer key is [B] and whereas the final answer key has given [A] as the correct answer. For the last question viz., Question No.60, the petitioner states that both [B] and [D] are correct and whereas the final answer key provides [B] as the correct answer.

9.Question No.39 and the four options provided is extracted hereunder:

39. What is the % of Chromium in stainless steel ?

- (A) 11.5%
- (B) 3.8%
- (C) 1.5-2%
- (D) 1%

10.According to the petitioner, none of the options are the correct answers to the question. To substantiate the same, the petitioner is relying upon the book of Principles of Inorganic Chemistry authored by Puri and two others. In this book, it has been stated that percentage of Chromium in stainless steel is 18%. The petitioner is also relying upon the question paper of the examination conducted by Vikram Sarabhai Space Centre. Question No.39 pertains to the composition of Chromium and Nickel in



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stainless steel. The key answer is 18% Chromium and 8% Nickel. Thus by relying upon the above two materials, the petitioner is contending that the percentage of Chromium in stainless steel is 18% and that answer is not available in any of the four options given.

11.The Expert Committee in turn has relied upon the textbook on Inorganic Chemistry authored by PL Soni and Mohan Katyal. In this book, it has been mentioned that the percentage of Chromium in stainless steel is 11.5%. Therefore, the Committee has concluded that option [A] is the correct answer.

12.The second question in controversy is Question No.60. For proper appreciation, Question No.60 and the four options are extracted hereunder:

60. ----- is used as a filler for making rubber.

- (A) Silicon monoxide
- (B) Fine Amorphous Silica
- (C) Agate
- (D) Kieselguhr

13.According to the petitioner, both options [B] and [D] are correct. To support the same, the petitioner has relied upon a book titled as Rubber Materials written by D.Kothandaraman. In this book, it is stated that Silica is used as a filler for making rubber. In another book named as Rubber Technology, written by Maurice Morton, it is mentioned that Silica is used as a filler for making rubber. The petitioner has also



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relied upon the Indian Minerals Year Book 2021, 60th Edition, Industrial Minerals and Rocks fifth edition by Frederic L. Kadey JR, and the article written by Md Najid Alam and three others.

14.The Committee to support its conclusion has relied upon the book Modern Inorganic Chemistry, authored by Dr.R.D.Madan.

15.The third question in controversy is Question No.75 and for proper appreciation, Question No.75 and the four options are extracted hereunder:

75. For 0.0128N CH_3COOH solution of 25°C $\kappa = 14.4 \text{ mhos cm}^2$ equivalent and $\lambda^\infty = 391 \text{ mhos cm}^2/\text{equivalent}$. Calculate K_a .

- (A) 1.80×10^{-5}
- (B) 1.70×10^{-5}
- (C) 1.89×10^{-5}
- (D) 1.80×10^{-4}

16.According to the petitioner, the option [B] is correct. To substantiate the same, the petitioner has worked out the formula by placing reliance upon the textbook of Physical Chemistry by PL Soni and the Tamil Nadu State Board Higher Secondary second year Chemistry Vol-II.

17.The Committee has concluded that the correct answer is option [A]. To substantiate the same, the Committee has relied upon the textbook of Physical Chemistry written by Sharma. They have also worked out the formula in a separate



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paper to justify that option [A] is the correct answer.

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18.The next question in controversy is Question No.92. For proper appreciation, Question No.92 and the four options are extracted hereunder:

- 92.** The greatest binding energy per nucleon of the stable elements with the mass number between 40 and 120 is :
- (A) 7.03 eV
 - (B) 7.03 MeV
 - (C) 8.5 MeV
 - (D) 8.5 eV

19.According to the petitioner, all the four options that have been given are wrong and none of them gives the correct answer for the question. To substantiate the same, they have relied upon the book Principles of Inorganic Chemistry by Puri and two others which gives the answer as follows:

"The curve has a maximum of about 8.75 MeV for A=56 and as a value of 7.6 MeV for A=238"

The petitioner has also relied upon the book Principles of Physical Chemistry by Puri and two others where the answer given is 8.7 MeV. The Committee has relied upon the book Inorganic Chemistry by PL Soni where the answer given is 8.5 MeV.

20.The last question in controversy is Question No.135. For proper appreciation, Question No.135 and the four options are extracted hereunder:

- 135.** To prepare the colloidal solutions, the dispersed particles should be within the size range.



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- (A) 10 mμ – 200 mμ
- (B) 1mμ - 2000 mμ
- (C) 1 mμ – 200 mμ
- (D) 10 mμ – 200 mμ

21. According to the petitioner, all the four options given are wrong. To substantiate the same, the petitioner is relying upon the book Physical Chemistry by Kundu where the answer given is 10^{-9} to 10^{-6} .

22. The Committee has found option (C) to be the correct answer. To substantiate the same, the Committee has relied upon the book Essentials of Physical Chemistry by Arunbahl which provides the answer 1 mμ – 200 mμ.

23. The above discussion shows that both sides are relying upon some textbooks to justify the stand taken by them.

24. The learned counsel for the petitioner relied upon the following judgments:

- (a) Kanpur University, through Vice-Chancellor and Ors .Vs. Samir Gupta and Ors., reported in 1983 (4) SCC 309.
- (b) Ran Vijay Singh and Ors, .Vs. State of UP and Ors. reported in 2018 (2) SCC 35
- (c) Rishal and Ors .Vs. Rajasthan Public Service Commission and Ors., reported in MANU/SC/1642/2018.



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(d) UPPSC and Ors .Vs. Rahul Singh and Ors., reported in 2018 (7) SCC 254.

(e) Vikesh Kumar Gupta and Ors .Vs. The State of Rajasthan and Ors., reported in 2021 (2) SCC 309.

(f) K.Vinopratha .Vs. The Teachers Recruitment Board and Ors., reported in MANU/TN/8150/2022.

25.The learned counsel for the petitioner also relied the judgment of the Division Bench in W.A.No.3463 of 2023 dated 04.06.2024, W.A.No.3552 of 2023, dated 24.05.2024 and W.A.No.3464 of 2023, dated 04.06.2024.

26.Per contra, the learned Additional Advocate General appearing on behalf of the 3rd respondent relied upon the judgment in WP (MD).Nos.8113 etc., of 2023, dated 29.11.2023 and the judgment of the Apex Court in **Ran Vijay Singh and Others .v. State of Uttar Pradesh and Others** reported in **(2018) 2 SCC 357**.

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



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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. 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



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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.

32.In the case in hand, after the tentative answer key was published and objections were invited, the same was placed before the Expert Committee which found certain objections to be valid and granted 12 marks under the category of star



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questions. Therefore, it is not as if the Expert Committee was adamant in reiterating the answer key even if the mistakes are pointed out. The Expert Committee does not have anything against the petitioner or other similarly placed persons. It is a neutral body which has given its opinion based on their expertise/knowledge by relying upon standard textbooks. This is yet another reason as to why the Court must be slow in interfering with the report of an expert body. Even if the Court wants to send the issue to another expert body, the Court must give reasons as to why the opinion given by the present Expert Committee is unsustainable. I do not find any such ground to send the questions in controversy to another Expert Committee.

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

23.08.2024

Index: Yes
Neutral Citation : Yes
Speaking Order : Yes
KP

N.ANAND VENKATESH. J.,

KP



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To

- 1.The Principal Secretary to Government
State of Tamilnadu
School Education Department
Fort St.George, Chennai 600 009.
- 2.The Director of School Education
DPI Campus, College Road
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Pre-Delivery Common Order in
W.P.No.23157 of 2024

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