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W.A.No.2668 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 31.01.2024

CORAM

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN
AND
THE HONOURABLE Mr.JUSTICE MOHAMMED SHAFFIQ

W.A.No.2668 of 2022
and
C.M.P.No.21529 of 2022

C.SENTHILKUMAR,
S/o.T.Chokkalingam,
No.1/125, Bompatti,
Polayampalli (PO), Harur Taluk,
Dharmapuri District-635 305.

..

Appellant

Vs.

1.THE DIRECTOR OF SCHOOL EDUCATION,
DPI Campus, College Road,
Chennai 600 006.

2.THE CHAIRMAN,
Teachers Recruitment Board,
4th Floor, EVK Sampath Maligai,
College Road, Chennai 600 006.

..

Respondents



W.A.No.2668 of 2022

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 30.08.2022 passed by the learned Judge in W.P.No.3149 of 2020.

For Appellant : Mrs.Nalini Chidambaram
Senior Advocate for Mrs.C.Uma

For Respondents : Mr.Neelakandan,
Addl. Advocate General
assisted by Mr.K.Sathish
Standing Counsel

JUDGMENT

[Judgement of the Court was delivered by R.MAHADEVAN, J.]

This writ appeal is filed by the appellant challenging the order dated 30.08.2022 passed by the learned Judge in W.P.No.3149 of 2020.

2. The brief facts of the case are as follows:

2.1. Pursuant to Notification No.10/2019 dated 12.06.2019 issued by the second respondent Board, inviting applications for direct recruitment to the post of Post Graduate Assistants / Physical Education Directors Grade-I in School Education and other Departments for the year



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2018-2019, the appellant made application to the post of PG Assistant in Botany and participated in the examination held on 27.09.2019. He had secured 79 marks. The tentative key answers for all the subjects were published on 03.10.2019 and it was advised that the candidates may submit their representations regarding objections, if any, with evidences from standard textbooks with relevant proof of authority, from 07.10.2019 to 09.10.2019, with regard to the key answers published and accordingly, the appellant and others submitted their objections. After scrutinizing the objections, the second respondent Board corrected the answer sheets and uploaded the provisional result of the examinations and published the final key answers for all the subjects on 21.10.2019, in which, according to the appellant, the answer for the question no.106 in Botany was changed and hence, he had secured only 79 marks, as a result of which, he did not have a chance of being selected for the post of PG Assistant in Botany under the BC quota, since other BC candidates in Botany had secured 80 marks in the written test.

2.2. Feeling aggrieved, the appellant preferred WP. No. 33038 of 2019, which was disposed of by the learned Judge vide order dated



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26.11.2019, by directing the second respondent Board to constitute an Expert Committee for the subject Botany and also directing the appellant to file his objections to the same and on receipt of the same, the Expert Committee should consider and take a decision. Pursuant to the said order, the appellant submitted his objections to the Expert Committee on 26.11.2019. However, there was no response as to whether the objections raised by the appellant to question no.106 in the Botany subject have been accepted by the Expert Committee. In the mean while, he came to know that the second respondent Board was going to conduct counselling on 10.02.2020. Therefore, the appellant preferred WP. No. 3149 of 2020 for a mandamus directing the second respondent Board to furnish a copy of the report of the Expert Committee to the objections raised by the appellant. The learned Judge dismissed the said writ petition, along with other cases, by the common order dated 30.08.2022, which is impugned in this writ appeal.

3. The learned senior counsel for the appellant submitted that in the tentative key answers, the answer to Question No.106 was given as



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option “a” viz. “Pteridophytes”, whereas, in the final key answer, the answer to Question No.106 was given as option “d” viz. “Marine algae”. The appellant had given the option “a” which is correct as per the tentative key answer. Hence, he was entitled to a copy of the Expert Committee report to know as to why it changed the correct option from Option “a” viz. Pteridophytes to option “d” viz., Marine Algae. However, the learned Judge erred in dismissing the writ petition, without permitting the appellant to peruse the copy of the report of the Expert Committee. The learned senior counsel further submitted that had the appellant been provided a copy of the Expert Committee Report, he would have proved his stand based on the relevant materials to the effect that the correct answer to Question No.106 is option “a” viz. “Pteridophytes”, and consequently, his marks would have been increased from 79 to 80 and he would have secured appointment as PG Assistant in Botany under BC Quota. Without considering the same in a proper perspective, the learned Judge dismissed the writ petition, which is erroneous and arbitrary. Stating so, the learned senior counsel sought to set aside the order impugned herein and allow this writ appeal.



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4. On the other hand, the learned Additional Advocate General appearing for the respondents submitted that the second respondent Board had constituted the Expert Committee based upon the order passed by the learned Judge, to scrutinize the objections raised by the candidates and the report of the Committee was submitted to the writ court, and only based on the said report, the learned Judge has passed the order impugned herein. The learned Additional Advocate General further submitted that the second respondent Board cannot accept the report of any outside experts as they are not in the panel of Experts Committee of TRB, as accepting the report of outside experts will unsettle the settled things. It is also submitted that the report of the Expert Committee constituted by the second respondent Board is final and placing reliance on the same, the learned Judge correctly dismissed the claim of the appellant, by observing that the courts cannot interfere with the decision of the Expert Committee by referring to the judgments of the Hon'ble Supreme Court in *Basavaiah (DR.) vs. Dr.H.L.Ramesh [(2010) 8 SCC 372]* and this Court in W.P.No.8191 of 2020 dated 28.06.2022. Thus, according to the learned Additional Advocate



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General, the order of the learned Judge does not require any interference at the hands of this court.

5. Heard both sides and perused the materials on record carefully and meticulously.

6. The issue involved herein, lies in a narrow compass. The appellant questioned the order passed by the learned Judge on the ground that he was not given any chance to peruse the Expert Committee Report, with regard to his objections to the final key answer published by the second respondent Board. The contention of the learned senior counsel for the appellant is that had the appellant been permitted to peruse the report of the Expert Committee constituted by the second respondent Board, he would have had a chance to prove his stand and being selected for the post of PG Assistant in Botany under the BC quota, as he had secured 79 marks, whereas the other BC candidates had secured 80 marks in the written test.

7. Concededly, the second respondent Board has constituted the Expert Committee and followed the report of the authorised experts. Such



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report was given to the learned Judge in a sealed cover. Based on the same, the learned Judge dismissed the writ petition filed by the appellant, by the order impugned herein, the relevant passage of which is quoted below for ready reference:

“8.Insofar as Botany subject is concerned, the petitioner in W.P.No.3149 of 2020, namely C.Senthil Kumar has disputed Question No.106. A perusal of the Expert Committee's report discloses that the petitioner has given wrong answer for the said question and therefore, he is not entitled for any marks.”

8. For one question, there may be more than one answer, but the exact answer to the question can be determined only by the experts in the relevant fields. The second respondent Board is a constitutional body with systematic planning. Based upon the order passed by the writ Court, the Expert Committee was properly formed and the information furnished by them in the form of a report, was properly conveyed to the learned Judge. The said report was relied on by the learned Judge. If any outside expert report is accepted, it will pave way for chaos and confusion and it will unsettle the settled things, as rightly pointed out on the side of the respondents. It will also lead to opening the floodgates of litigation. That apart, it is important to mention at this juncture that the Courts have only limited powers in interfering with the decision of the Experts Committee in



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respect of academic matters and it would always be safe to leave the decisions to the academicians and experts, unless and otherwise any *mala fide* is established against the experts constituting the Committee. Therefore, this Court is of the opinion that interference with the Expert Committee Report and the recruitment process at every stage, would only hamper the recruitment process leading to inordinate delay in selecting the candidates for appointment. In such view of the matter, the order of the learned Judge based on the Expert Committee Report, does not warrant any interference by this court.

9. Finding no merit, the writ appeal fails and is accordingly, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.M.D.,J.] [M.S.Q., J.]
31.01.2024

Index: Yes / No
Speaking order/ Non-speaking order
Neutral Citation: Yes / No
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AND
MOHAMMED SHAFFIQ, J.

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To

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