



W.P.(MD)Nos.11711 to 11713, 14438, 12796, 12795, 15507, 15506, 13459, 13463, 13462, 13212, 13078, 12032, 12373, 12033, 12473 to 12475, 12476, 12477, 12478, 12479, 12707 & 11994 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)Nos.11711 to 11713, 14438, 12796, 12795, 15507, 15506, 13459, 13463, 13462, 13212, 13078, 12032, 12373, 12033, 12473 to 12475, 12476, 12477, 12478, 12479, 12707 & 11994 of 2024

and

W.M.P(MD)Nos.12328, 12324, 12331, 11378, 11376, 11388, 11389, 12664, 12665, 12666, 11869, 11872, 13560, 13559, 13558, 13556, 13553, 13551, 11871, 11874, 11881, 11880, 11879, 11876, 11875, 11692, 11694, 11584, 11583, 11582, 10713, 10956, 10711, 10705, 10704, 10958, 10960, 11105, 11099, 11100, 11101, 11107, 11110, 11117, 11119, 11121, 11118, 11116, 11115, 11114, 11113, 11112, 11108, 11106, 11104, 11103, 11102, 11120, 10456, 10454, 10458, 10457, 10460, 10459, 10455, 10452, 10461, 11291, 10678, 10681, 12329 & 11290 of 2024

W.P.(MD)No.11711 of 2024

S.Janani

... Petitioner

VS.

1. The State of Tamil Nadu,
Represented by its,
Principal Secretary to Government,
School Education Department,
Fort St.George,
Secretariat, Chennai.



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2.The Teachers Recruitment Board,
Rep. by its Chairman,
DPI Campus, College Road,
Chennai.

3.The National Council for Teacher Education (NCTE),
Rep. by its
Member Secretary,
New Delhi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the impugned final key answers (Published on 18.05.2024) to the exam dated 04.02.2024 conducted for direct recruitment of Graduate Teachers / Block Resource Teacher Educators (BRTE)-2023 by the second respondent pertaining to the Notification No.3/2023 dated 25.10.2023 and quash the same as illegal and further direct the second respondent to redo the entire selection process within a time stipulated by this Court.

For Petitioner : Mr.D.Nallathambi

For Respondents : Mr.Veerakathiravan
Additional Advocate General
Assisted by
Mr.V.R.Shanmuganathan for R2

Mr.T.Amjadkhan
Government Advocate for R1

Mr.R.Gowri Shankar for R3



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ORDER

Heard Mr.D.Nallathambi, learned counsel appearing for the petitioner, Mr.Veerakathiravan, learned Additional Advocate General assisted by Mr.V.R.Shanmuganathan, learned counsel for the second respondent, Mr.T.Amjadkhan, learned Government Advocate appearing for the first respondent and Mr.R.Gowri Shankar, learned counsel for the third respondent.

2. The petitioners are the candidates who applied for Graduate Teachers/Block Resource Teacher Educators(BRTE)- 2023 post in response to the notification issued by the Teachers Recruitment Board in Notification No.3/2023, dated 25.10.2023 and they have filed these writ petitions stating that the final key answers released by the Teachers Recruitment Board is defective and it will affect the method of valuing the merits of the candidates who have participated in the examination.



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3. The candidates who are aggrieved with the key answers published for various subjects and the star marks given for all the candidates have filed several writ petitions before this Court as well as before the Principal Bench.

4. It is learnt that on 01.07.2024, the Principal Bench of this Court in a batch of writ petitions in ***W.P.No.15785 of 2024 and batch [Karupukarasi vs. Teachers Recruitment Board, Dr.MGR Cetenary Building 3rd and 4th Floor, Perasiriyar Anbhazhagan Kalvivlagam College Road, Nungambakkam, Chennai - 600 006]*** has passed the following order.

"7. The Board filed counter and on the submissions made by the learned Additional Advocate General revealed that the Board issued notification thereby inviting application for recruitment for the post of Graduate Teacher/BRTE in school education and other departments included in the Special Rules for the Tamil Nadu School Educational Subordinate Service for the year 2023-2024. The total number of vacancies are 3192 as per the notification. Totally 41,485 candidates were applied for the said posts and the Board conducted written examination. The question papers were in the pattern of multiple choice question with four options of answers. There are totally 180 questions. After written



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examination, the Board had released the tentative key answers with the question paper to raise objection from the candidates. Accordingly, the candidates submitted their objections through online as well as manual representation. Except some of the candidates, all the candidates were objected with materials to substantiate their answer with standard books acceptable by the Board. All the objections were placed before the experts for their final opinion. In fact, the Board has also released the status of objection tracker in the website along with the examination results. Though the Board fixed time for raising objections on the tentative key answers from 19.02.2024 to 25.02.2024 at 5.30 pm., some of the petitioners in this writ petitions, challenged the key answers without even raising objections, in the online objection tracker or manual representation.

8. It is also pertinent to note mention here that as per Clause 11 B(iv) of the notification, the objections raised after the stipulated time and any written representation will not be entertained. Further, the objections must be raised only through online objections tracker. All the petitioners, raised the common ground that awarding of grace marks for the star marked questions is nothing but artificially pushing up the cut-off marks of the candidates and the meritorious candidates, who were attended the questions, were also treated equally with the candidates who were not attended those questions. In the case of no negative mark patten of exam, when the questions and answers are incorrect or ambiguous, the marks will be awarded to all the candidates invariably. Therefore, the contention raised by the petitioners cannot be countenanced. If the Board awarded marks only to particular candidates who attended the questions which were marked as star, as per the final key answer, it would cause prejudice to the candidates who were not attended the questions for the reason of incorrect or ambiguous questions and answers. For an example, in



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some of the answers, there are spelling mistakes. Therefore, the Board fairly awarded marks irrespective of all the candidates, who attended the questions or not attended the questions.

9. Further contention is that the one question has multiple answers. Because of the confusion, those who were attended the said question also to be awarded grace marks. If the question has multiple answers, the candidates who have chosen one of the correct answer would be given marks. Further, the multiple answers for some questions only because of the materials produced by the candidates who objected the tentative key answers. Therefore, the experts decided as per the materials produced by the candidates and finalized the key answers with multiple answers for the very same questions.

10. Insofar as the contention raised by the petitioner to provide copy of OMR sheets, the Board initially scans the OMR sheets and will evaluate the same only after arriving the final key answer. The scanning of OMR sheets and evaluation processes are being carried out on computer basis only, without any human intervention. Further in order to maintain confidentiality, the OMR sheets of the individual cannot be provided to the candidates. Further, as per the notification, there is no expressed clause for providing OMR answer sheets to the candidates. Therefore, the candidates are not entitled for OMR answer sheets.

11. Further the experts committee, comprising of three minimum number of subject experts, thoroughly scrutinized the objections with the materials produced by the candidates and finalized the answer key. Therefore, the Board has no role to play in the finalization of answer key. All the petitioners have been appeared for examination and they have not been selected for certificate



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verification. Now they sought for declaration that they are eligible for certificate verification and seeking appointment for their respective posts. Now the certificate verification was conducted from 30.05.2024 to 02.06.2024 and the candidates were called with ratio of 1:1.25 ratio. As per the said ratio, the qualified candidates were called for certificate verification.

12. The over all contention raised by the petitioners is that such kind of ambiguous questions and answers are caused serious prejudice to the meritorious candidates, since the candidates who did not know the answers and who failed to attend those questions were also awarded equal marks. The Hon'ble Supreme Court of India as well as this Court repeatedly held that when the conscious decision has been taken by the experts, the Courts have no expertise in the matter and academic interference with the same. Further there are no reason to suspect the credentials of those experts. This Court cannot sit on appeal as against the experts opinion and adjudicate upon an academic issue whether the answers finalised by the expert body is correct or the answer that is projected by the candidates are correct."

5. By placing reliance on various Judgments including the Division Bench Judgment ***dated 30.09.2022 in W.A.No.598 of 2022 [Director of School Education vs. Mercy Vennila]*** and the Judgment ***dated 21.02.2022 in W.P.No.3063 of 2022 [Sumathi vs. The Chairman]***, the Principal Bench had arrived at a conclusion that the role of the expert



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body cannot be assumed by the Court by replacing the assessment made by the experts and has rightly pointed out that the Certificate Verification has been completed by the Board and the Selection List is about to be published. To avoid further calamity and to avoid the prejudice that might be caused to the selected candidates, certain questions have been taken for consideration and the respondents therein were asked to answer the same. For the sake of clarity, the relevant questions are extracted hereunder.

"17. This Court after hearing the petitioners, by an order dated 24.06.2024, directed the respondents to answer the following queries :-

“(i) The procedure contemplated by the agency while initially framing the questions, arriving at the key answers, while considering the objections and arriving at the final answers;

(ii) In respect of the questions which are given as star and marks are given, whether all the questions have been printer mistake and if so, whether any expert was involved in verifying the draft of the question paper?

(iii) The Court will only then consider the larger question that how much percentage of mistakes can be there in a given exam and if the mistakes are beyond a particular level, whether it would amount to very results



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(iv) If so at what percentage, the mistakes can be permitted to be corrected?""

6. After having heard the reply from respondents in respect of the above issues, the Principal Bench of this Court has given the conclusion under paragraph 21 of the order and the same is extracted hereunder.

"21. Therefore, the prayers sought for in these writ petitions cannot be granted. However considering the facts and circumstances, this Court is inclined to pass the following directions :-

- (i) In future, the Board must ensure that there will not be any ambiguous questions and answers in the examination for any recruitment.*
- (ii) The Board is directed to verify the draft question papers and tentative answer key before sending them for printing.*
- (iii) The Board is directed to correct the draft question papers and key answers with the help of experts who are not the original question paper setter.*
- (iv) The Board is directed to frame guidelines for the experts to arrive correct answers with approved materials.""*



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7. So, the batch of writ petitions have been disposed by the Principal Bench with the above directions. However, an observation has been made stating that if there are discrepancies in framing the questions, answers and awarding marks, that will impact all the candidates and not only the petitioners. But, it would be in the best interest of the candidates, if such discrepancies are avoided to the extent possible in the future.

8. Since the issue involved in all these writ petitions are also as similar as that of the issue which has been dealt with and disposed of by the Principal Bench in ***W.P.No.15785 of 2024 and batch*** (cited supra), I feel these writ petitions should also be disposed of on the same lines.

9. It is reiterated that the grievances of the petitioners in respect of awarding star marks even when the answers are definite and correct should be understood in all future competitive examinations that might be conducted by Teachers Recruitment Board or any other recruiting agency of the State. Since the larger interest will be defeated, if the selection



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process is started or cancelled, this Court feels it is right to dispose of these writ petitions also in the same line and spirit in which similar writ petitions have been disposed before the Principal Bench as referred above.

10. Accordingly, the writ petitions are **disposed of**. No costs.

Consequently, connected Miscellaneous Petitions are closed.

15.07.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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- To
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R.N.MANJULA, J.

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