



WEB COPY



W.P.No.29306 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.02.2025

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.29306 of 2023
and
W.M.P.Nos.28928 and 28929 of 2023

P.Jegan

...Petitioner

Vs

The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,
Old Commissioner Office Campus,
Pantheon Road, Egmore,
Chennai – 600 008.

...Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent to award additional three marks to the petitioner in the examination conducted by the Respondent for Joint Recruitment of Sub-Inspectors of Police (Taluk, AR & TSP) and Station Officers, Fire & Rescue Services Department – 2023, and to publish the result afresh in respect of the petitioner is concerned by placing the petitioner appropriately and permit to participate in the further recruit process.

For Petitioner : Mr.C.Prabakaran

For Respondent : Ms.D.Sowmi Dattan

ORDER



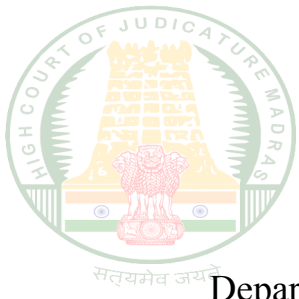
W.P.No.29306 of 2023

WEB COPY

This Writ Petition has been filed for directing the respondent to award additional three marks to the petitioner in the examination conducted by the Respondent for Joint Recruitment of Sub-Inspectors of Police (Taluk, AR & TSP) and Station Officers, Fire & Rescue Services Department – 2023, and to publish the result afresh in respect of the petitioner is concerned by placing the petitioner appropriately and permit to participate in the further recruit process.

2. Heard the learned counsel for both sides and perused the materials available on record.

3. The petitioner joined the Police Department as Grade-II Police Constable during the year 2016 at battalion Madurai and subsequently, transferred to Armed Reserved Forces-I, Chennai and he has been discharging his service without blemish of records for the past 8 years. During the year 2023, the respondent has issued notification for the recruitment for the post of Joint Recruitment of Sub-Inspectors of Police (Taluk, AR & TSP) and Station Officers, Fire & Rescue Services



W.P.No.29306 of 2023

WEB COPY

Department – 2023. In pursuance of the same, the petitioner being employed as Grade-II Police Constable, obtained permission from the Deputy Commissioner of Police, Chennai on 15.05.2023 along with other candidates and applied for the same for which he was assigned with enrollment number 1106899. Accordingly, the written examination was conducted on 26.08.2023 and he was furnished with 'D' series question paper.

4. Further, the preliminary key answer was published by the respondent on 29.08.2023 and while verifying, he found that in respect of question Nos.13, 41, 65 and 83, the key answers of the respondent are not correct. Immediately, on 04.09.2023, he had sent a detailed e-mail to the official website of the respondent making his objection along with materials for the questions stated above to sustain his answers are correct and he had also sent a representation on 05.09.2023 along with supporting materials to sustain correctness of his answer and pointed out the key answers of the respondent board is not correct, but there was no reply from the respondent.



W.P.No.29306 of 2023

WEB COPY

5. Suddenly on 26.09.2023, the respondent has published the result and fixed the cut off mark for the BC candidate as 60.5 marks. Whereas, the petitioner secured 60 marks. However, the petitioner is entitled to 0.5 mark for each 4 correct answers aggregating to 2 marks supported by the materials of Tamil Nadu State Text book Corporation books, which are being regularly taught for the students and the articles of eminent authors and there is no ambiguity for the answers written by the petitioner and hence, the respondent ought to have considered his claim forthwith, enabling the petitioner to attend the physical endurance test as he is short of 0.5 marks to attend the same. Hence, this Writ Petition.

6. The respondent has filed counter affidavit stating that after publication of the key answers, several representations were received from the candidates disputing the preliminary answer keys and therefore, 3 Member Expert Committee was constituted for each subject and disputed answer keys were re-evaluated by them. On re-evaluation, it was found that the answer given by the petitioner did not match with the choice of the correct answers determined by the Expert Committees as shown below:-



WEB COPY

Sl. No.	Question	Expert Opinion/ Final answer key	OMR Answer of the petitioner	Mark status of the petitioner
1.	Q.No.13.	B	A	0
2.	Q.No.41.	B	A	0
3.	Q.No.65.	C	A	0
4.	Q.No.83.	A/B/C/D	D	0.5

Therefore, he is not entitled for any marks.

7. The question that arises for consideration in this writ petition is that whether the High Court in the exercise of powers under Article 226 of the Constitution could analyze the academic materials for the purpose of re-evaluating the final answer keys arrived the Expert Committee?

8. The legal position in that regard has been enunciated by the Hon'ble Supreme Court of India in the case of **Uttar Pradesh Public Service Commission Vs. Rahul Singh and another** reported in 2018 (7) SCC 254 as follows:

“9. What is the extent and power of the Court to interfere in matters of academic nature has been the subject matter of a number of cases. We shall deal with the two main cases cited before us.



10. In *Kanpur University, through Vice Chancellor and Others vs. Samir Gupta and Others* [(1983) 4 SCC 309], this Court was dealing with a case relating to the Combined Pre Medical Test. Admittedly, the examination setter himself had provided the key answers and there were no committees to moderate or verify the correctness of the key answers provided by the examiner. This Court upheld the view of the Allahabad High Court that the students had proved that 3 of the key answers were wrong. Following observations of the Court are pertinent:~

“?16???.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????....”

The Court gave further directions but we are concerned mainly with one that the State Government should devise a system for moderating the key answers furnished by the paper setters.

11. In *Ran Vijay Singh and Others vs. State of Uttar Pradesh and Others* [(2018) 2 SCC 357], this Court after



WEB COPY



W.P.No.29306 of 2023

referring to a catena of judicial pronouncements summarized the legal position in the following terms:~

“?30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:

30.1. If a statute, Rule or Regulation governing an examination permits the re~evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting the examination may permit it;

30.2. If a statute, Rule or Regulation governing an examination does not permit re~evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the court may permit re~evaluation or scrutiny only if it is demonstrated very clearly, without any ?inferential process of reasoning or by a process of rationalisation? and only in rare or exceptional cases that a material error has been committed;

30.3. The court should not at all re~evaluate or scrutinise the answer sheets of a candidate?it has no expertise in the matter and academic matters are best left to academics;

30.4. The court should presume the correctness of the key answers and proceed on that assumption;



WEB COPY



W.P.No.29306 of 2023

and

30.5. In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.?

We may also refer to the following observations in Paras 31 and 32 which show why the Constitutional Courts must exercise restraint in such matters:-

“31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re~evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse ? exclude the suspect or offending question.

32. It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the courts in



WEB COPY



W.P.No.29306 of 2023

the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty. While there is no doubt that candidates put in a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but the court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates who have successfully participated in the examination and the examination authorities. The present appeals are a classic example of the consequence of such interference where there is no finality to the result of the examinations even after a lapse of eight years. Apart from the examination authorities even the candidates are left wondering about the certainty or otherwise of the result of the examination ? whether they have passed or not; whether their result will be approved or disapproved by the court; whether they will get admission in a



WEB COPY



W.P.No.29306 of 2023

college or university or not; and whether they will get recruited or not. This unsatisfactory situation does not work to anybody's advantage and such a state of uncertainty results in confusion being worse confounded. The overall and larger impact of all this is that public interest suffers.”?

12. The law is well settled that the onus is on the candidate to not only demonstrate that the key answer is incorrect but also that it is a glaring mistake which is totally apparent and no inferential process or reasoning is required to show that the key answer is wrong. The Constitutional Courts must exercise great restraint in such matters and should be reluctant to entertain a plea challenging the correctness of the key answers. In Kanpur University case (supra), the Court recommended a system of ~ (1) moderation; (2) avoiding ambiguity in the questions; (3) prompt decisions be taken to exclude suspected questions and no marks be assigned to such questions.

13. As far as the present case is concerned even before publishing the first list of key answers the Commission had got the key answers moderated by two expert committees. Thereafter, objections were invited and a 26 member committee was constituted to verify the objections and after this exercise the Committee recommended that 5 questions be deleted and in 2 questions,



WEB COPY



W.P.No.29306 of 2023

key answers be changed. It can be presumed that these committees consisted of experts in various subjects for which the examinees were tested. Judges cannot take on the role of experts in academic matters. Unless, the candidate demonstrates that the key answers are patently wrong on the face of it, the courts cannot enter into the academic field, weigh the pros and cons of the arguments given by both sides and then come to the conclusion as to which of the answer is better or more correct.

14. In the present case we find that all the 3 questions needed a long process of reasoning and the High Court itself has noticed that the stand of the Commission is also supported by certain text books. When there are conflicting views, then the court must bow down to the opinion of the experts. Judges are not and cannot be experts in all fields and, therefore, they must exercise great restraint and should not overstep their jurisdiction to upset the opinion of the experts.

15. In view of the above discussion we are clearly of the view that the High Court over stepped its jurisdiction by giving the directions which amounted to setting aside the decision of experts in the field. As far as the objection of the appellant ~ Rahul Singh is concerned, after going through the question on which he raised an objection, we ourselves are of the prima facie view that the answer given by the



W.P.No.29306 of 2023

WEB COPY

Commission is correct.?"

9. The dictum that when the Experts have evaluated certain questions and derived answers to it, the High Court, in exercise of its powers under Article 226 of the Constitution of India, cannot revisit such an opinion of the Experts and array at its own conclusion, has been adopted consistently in various other decisions also, including this Court. When such powers have divested under a line of decisions rendered by the Hon'ble Supreme Court, including **Rahul Singh's case** (supra), this Court is unable to appreciate the grounds raised by the petitioner herein for the purpose of re-evaluating the questions to which the Experts in the concerned subjects have already rendered their opinion.

10. Viewed from that perspective, this Court would not venture into the exercise of analyzing the correct answers from the subject materials placed by the petitioner. Further, this Court does not find any reason as to why these disputed questions require re-evaluation by another Expert Committee, when the competence of the earlier Expert Committee is not questionend by placing sufficient materials. Therefore, this Court is not



W.P.No.29306 of 2023

WEB COPY

inclined to interfere with the recruitment process, when the Expert Committees had already rendered their opinion and the disputed key answers have also been re-evaluated and determined, which is not in conformity with the choice of answers attempted by the petitioner in the written examination. Hence, there are no merits in the present Writ Petition.

11. In this result, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

04.02.2025

Index: Yes/No
Speaking order/Non-speaking order
kv

To

The Member Secretary,
Tamil Nadu Uniformed Services Recruitment Board,



W.P.No.29306 of 2023

WEB COPY
Old Commissioner Office Campus,
Pantheon Road, Egmore,
Chennai – 600 008.



WEB COPY



W.P.No.29306 of 2023

V.BHAVANI SUBBAROYAN,J.

kv

W.P.No.29306 of 2023

04.02.2025