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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved On	17.12.2024
Pronounced On	29.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.A.No.3486 of 2024
and
C.M.P.Nos.27132 and 27134 of 2024

C.Thirunavukkarasu
S/o.K.Chinnappaiyan

... Appellant / Petitioner

Vs.

1.The State of Tamil Nadu,
Represented 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 / Respondents

Prayer: Appeal under Clause 15 of the Letters Patent, against the Order dated
29.07.2024 passed in W.P.No.20622 of 2024.



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For Appellant : Mrs.Kavitha Nithyanandan

For Respondents :

For R1 & R2 : Mr.U.M.Ravichandran
Special Government Pleader

For R3 : Mr.R.Neelakandan
Additional Advocate General
assisted by Mr.K.Sathish Kumar

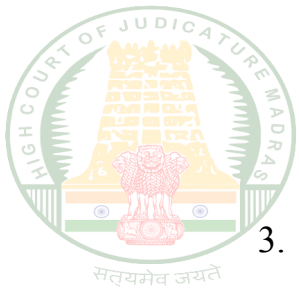
JUDGMENT

(Judgment of the Court was delivered by **C.SARAVANAN, J.**)

This Intra-Court Appeal is directed against the Order dated 29.07.2024 passed by a Writ Court in W.P.No.20622 of 2024, dismissing the Writ Petition filed by the appellant herein.

2. The above Writ Petition was filed by the appellant herein for the following relief:-

“Writ Petition filed under Article 226 of the Constitution of India, praying to issue Writ of Declaration, to declare that the petitioner is eligible for additional marks in the competitive examination held by the third respondent on 04.02.2024 and consequently eligible to be appointed as Graduate Teacher – History 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.”



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3. Operative portion of the Order dated 29.07.2024 passed in

WEB C W.P.No.20622 of 2014 reads as under:-

“3. The issues raised by the petitioner in this writ petition have already been dealt with by this Court in WP.No.15785 of 2024, etc., batch dated 01.07.2024 and the relevant portion of the order is extracted hereunder:-

16. That apart, now the entire certificate verification has been completed and the Board is about to publish the selection list. At this juncture, if the claims of the petitioners are accepted, it will lead to alteration of selection list, thereby selected candidates will be prejudiced. As stated supra, if there is discrepancy in framing the questions, answers and awarding marks, it will be for all the candidates and not for the petitioners only.

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 being fortunates are not?*

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

18. *Insofar as the first query raised by this Court, the Board answered that all the question papers are set up at the Board-s office by the experts as per the syllabus allotted to them. After correction by the experts, it was sent to the printer. After completion of examination, tentative key answers were published by the Board as provided by the experts. In the online objection tracker portal, the candidates can raise their objections with standard materials to substantiate their difference in answers. The objections and the materials are placed before the experts and the final key answer, as provided by the experts, was published by the Board.*

19. *Insofar as the second query is concerned, spelling error in Tamil/English happened due to the setter's style of writing. Therefore, it can be taken as printing error. Further in order to maintain confidentiality of the question paper, no experts were involved for verifying the draft question paper. Insofar as the third query is concerned, there are no negative marks in the examination conducted by the Board. So, if there is any error in the question paper/ambiguous answers, final key*



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answers were released based on the report of the subject experts. Whenever error occurs in questions/ambiguous answers, the particular questions are treated as star marked question and were awarded marks to all the candidates, who have attended the examination, invariably. Insofar as the fourth query is concerned, there is no negative marks are awarded for the wrong answers as such percentage of mistake not a par.

20. The above explanation seems to be fair and acceptable one. Therefore, as stated supra, this Court must bow down to the opinion of the experts and the Courts cannot be experts in all fields. Therefore, this Court cannot overstep its jurisdiction to upset the opinion of the experts. The questions which are marked with star are awarded marks irrespective of all candidates, who had attended or not attended the star marked question. Further, for the questions in multiple answers, the candidates who marked any one of the answer as per the final key answers, were awarded marks. Even after awarding the marks to the petitioners, they were not coming under the zone of consideration for certificate verification.

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.



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(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.”*

4. *Apart from the issues involved in those writ petitions, the learned counsel appearing for the petitioner raised ground as to 'whether the ratio of 1:1:25 has been followed or not'. However, on instruction, the learned counsel appearing for the respondents submitted that as per the notification, under GT, there are 150 posts and under SC/SCA, there are 146 posts. The petitioner applied under SC quota. While applying the ratio of 1:1:25 for certificate verification, the third respondent called for candidates for certification verification under SC/SCA quota for 146 posts, they called 174 candidates out of 183 candidates. Since there is no candidate available for persons with disability and Special B.Ed, communal turn which is totalling to 7 communal turns. Hence, 9 candidates were called for certificate verification. The cut off mark for SC quota is 79, whereas the petitioner had scored 78 marks including the weightage marks. Therefore, the petitioner was not called for certificate verification.*

5. *In view of the above, this writ petition is devoid of merits and the same is liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected*



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miscellaneous petitions are closed. There shall be no order as to costs."

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4. The appellant assails the Impugned Order of the Writ Court primarily on the ground that the respondents have not awarded marks to the appellant for Question No.40 and Question No.109 in Part B. Part B contains objective type questions with options to tick the correct answer from a choice of four answers.

5. For the purpose of clarity, both these questions are reproduced below:-

40. ----- was the first independent Muslim ruler who styled himself as 'Sultan'. A) Muhammed of Ghori B) Muhammed of Ghazini C) Iltutmish D) Qutb-bu-din Aibak	109.Name the Chinese ruler who was known as "Old Buddha". A) Chun B) Tsu-Shi C) Kang-yu-wai D) Pu-Yi
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6. According to the appellant, the correct answer for Question No.40 was Option-D which was ticked by the appellant and the four answers given for Question No.109 were incorrect as the correct answer would be **Tzu-Hsi**. It is therefore submitted that the appellant was entitled for additional marks for both these questions. In this connection, the learned counsel for the appellant has drawn attention to few text books to substantiate the same.

7. In support of her contention, the learned counsel for the appellant has



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relied on the following decisions of the Hon'ble Supreme Court and that of this

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- i. **Kanpur University, through Vice-Chancellor and others Vs. Samir Gupta and others**, (1983) 4 SCC 309.
- ii. **Ran Vijay Singh and others Vs. State of Uttar Pradesh and others**, (2018) 2 SCC 357.
- iii. **Rishal and others Vs. Rajasthan Public Service Commission and others**, (2018) 8 SCC 81.
- iv. **Uttar Pradesh Public Service Commission (U.P.P.S.C.) and others Vs. Rahul Singh and others**, (2018) 7 SCC 254.
- v. **Vikesh Kumar Gupta and others Vs. The State of Rajasthan and others**, (2021) 2 SCC 309.
- vi. **K.Vinopratha Vs. The Teachers Recruitment Board and others** in W.P.(MD) No.22129 of 2022 dated 02.11.2022.
- vii. **P.Vijayan Vs. The State of Tamil Nadu, Represented by its Principal Secretary to Government, Chennai and others** in W.A.No.3463 of 2023 dated 04.06.2024.
- viii. **J.Albert Chandru Vs. The State of Tamil Nadu, Represented by its Principal Secretary to Government, Chennai and others** in W.A.No.3464 of 2023 dated 04.06.2024.
- ix. **T.Jothimalar Vs. The State of Tamil Nadu, Represented by its Principal Secretary to Government, Chennai and others** in W.A.No.3552 of 2023 dated 24.05.2024.

8. The Impugned Order is defended by the learned Special Government Pleader for the first and second respondents on the ground that the recruitment rules contains the conditions for correcting the tentative answers.

9. It is submitted that as far as Question No.40 is concerned, as per the



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key answer that was published originally, Option-A was declared by the Recruitment Board and thereafter as per the recruitment rules, objections were invited and about 81 candidates had given their objections to the answer to Question No.40 and based on the same, an Expert Committee was constituted who have accepted the Option-B in the final answer key and have come to a conclusion that Option-B was the correct answer.

10. It is submitted that the decision of the Expert Committee is final, cannot be challenged in the collateral proceedings.

11. That apart, the appellant should have raised an objection before the Recruitment Board as per the Scheme in the Recruitment Notification and not before this Court.

12. As far as Question No.109 is concerned, it is submitted that neither the petitioner nor any person had raised any objection after the key answers were published and therefore, the contention of the appellant that the options given to Question No.109 were incorrect at this distant point of time, cannot be raised by the appellant particularly, after having slept over the matter.

13. We have heard the learned counsel for the appellant, learned Special

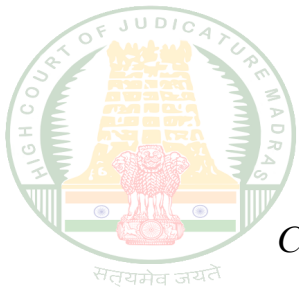


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Government Pleader for the first and second respondents and the learned
Additional Advocate General for the third respondent.

14. The Hon'ble Supreme Court in “**Uttar Pradesh Public Service Commission and others Vs. Rahul Singh and others**”, (2018) 7 SCC 254, held that 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 and when there are conflicting views, then the Court must bow down to the opinion of the experts. The Hon'ble Supreme Court further underlined the principle that Judges are not and cannot be experts in all fields and, therefore, they must exercise great restraint and should over-step their jurisdiction to upset the opinion of the Courts. In Paragraph Nos.12 to 15, the Hon'ble Supreme Court observed as under:-

*“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 [Kanpur University v. Samir Gupta, (1983) 4 SCC 309], the***



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Court recommended a system of:

WEB COPY(1) moderation;

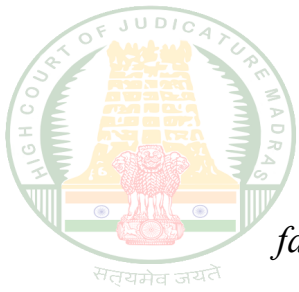
(2) avoiding ambiguity in the questions;

(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, 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 answers is better or more correct.***

*14. In the present case, we find that all the three 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 textbooks. **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



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facie view that the answer given by the Commission is correct.”

15. The Hon'ble Supreme Court in Paragraph No.25 in “**Rishal and others Vs. Rajasthan Public Service Commission and others**”, (2018) 8 SCC 81, has held as under:-

*“25. The questions having been deleted from the answers, the question paper has to be treated as containing the question less the deleted questions. Redistribution of marks with regard to deleted questions cannot be said to be arbitrary or irrational. The Commission has adopted a uniform method to deal with all the candidates looking to the number of the candidates. **We are of the view that all the candidates have been benefited by the redistributed of marks in accordance with the number of correct answers which have been given by them. We, thus, do not find any fault with redistribution of marks of the deleted marks. The High Court has rightly approved the said methodology.**”*

16. The Hon'ble Supreme Court in Paragraph No.17 in “**Kanpur University, through Vice-Chancellor and others Vs. Samir Gupta and others**”, (1983) 4 SCC 309, has held as under:-

*“17. Students who have passed their Intermediate Board Examination are eligible to appear for the entrance Test for admission to the Medical Colleges in U.P. Certain books are prescribed for the Intermediate Board Examination and such knowledge of the subjects as the students have is derived from what is contained in those text-books. Those text-books support the case of the students fully. **If this were a case of doubt, we would have***



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unquestionably preferred the key answer. But if the matter is beyond the realm of doubt, it would be unfair to penalise the students for not giving an answer which accords with the key answer, that is to say, with an answer which is demonstrated to be wrong.”

17. The Hon'ble Supreme Court in Paragraph No.33 in “**Ran Vijay Singh and others Vs. State of Uttar Pradesh and others**”, (2018) 2 SCC 357, has held as under:-

“33. The facts of the case before us indicate that in the first instance the learned Single Judge took it upon himself to actually ascertain the correctness of the key answers to seven questions. This was completely beyond his jurisdiction and as decided by this Court on several occasions, the exercise carried out was impermissible. Fortunately, the Division Bench did not repeat the error but in a sense, endorsed the view of the learned Single Judge, by not considering the decisions of this Court but sending four key answers for consideration by a one-man Expert Committee.”

18. The Hon'ble Supreme Court, recently in “**Vikesh Kumar Gupta and others Vs. The State of Rajasthan and others**”, (2021) 2 SCC 309, held that Courts should be very slow in interfering with expert opinion in academic matters and assessment of the questions by the Courts itself to arrive at correct answers is not permissible. In Paragraph Nos.16 to 20, the Hon'ble Supreme Court observed as under:-

“16. In view of the above law laid down by this



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Court, it was not open to the Division Bench to have examined the correctness of the questions and the answer key to come to a conclusion different from that of the expert committee in its judgment dated 12.03.2019 [Bhunda Ram v. State of Rajasthan, 2019 SCC OnLine Raj 7416]. Reliance was placed by the appellants on Richal v. Rajasthan Public Service Commission [Richal v. Rajasthan Public Service Commission, (2018) 8 SCC 81 : (2018) 2 SCC (L&S) 456]. In the said judgment, this Court interfered with the selection process only after obtaining the opinion of an expert committee but did not enter into the correctness of the questions and answers by itself. Therefore, the said judgment is not relevant for adjudication of the dispute in this case.

17. A perusal of the above judgments would make it clear that courts should be very slow in interfering with expert opinion in academic matters. In any event, assessment of the questions by the courts itself to arrive at correct answers is not permissible. The delay in finalisation of appointments to public posts is mainly caused due to pendency of cases challenging selections pending in courts for a long period of time. The cascading effect of delay in appointments is the continuance of those appointed on temporary basis and their claims for regularisation. The other consequence resulting from delayed appointments to public posts is the serious damage caused to administration due to lack of sufficient personnel.

18. The submission made by the respondents that the appellants are not entitled to any relief as there is inordinate delay in approaching the Court is not necessary to be adjudicated upon in view of the findings in the preceding paragraphs.

19. It is clear from the statement filed by RPSC that there are vacancies existing which can be utilised for appointing the appellants. We are not inclined to give any



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direction except leaving it open to RPSC and the State Government to fill up the existing vacancies from the wait list in accordance with the merits of the candidates.

20. The selection process which was stalled in view of the interim order passed by this Court should be completed within a period of 8 weeks from today. The Division Bench by its judgment dated 12-3-2019 [Bhunda Ram v. State of Rajasthan, 2019 SCC OnLine Raj 7416] committed an error in recording findings on the correctness of 05 questions by holding the opinion of the experts to be wrong. We are not setting aside the judgment as we are informed that 05 out of 21 appellants therein have already been appointed and we are not inclined to upset their appointments.”

19. The Madurai Bench of this Court in **“K.Vinopratha Vs. The Teachers Recruitment Board and others”** in W.P.(MD) No.22129 of 2022 dated 02.11.2022, has held in Paragraph Nos.12 to 14 as under:-

“14. “Truth alone triumphs; not falsehood” is the declaration found in Mundaka Upanishad. “Satyameva Jayate” is the national motto. Judicial review cannot be totally ousted in certain circumstances. Where the key answer is manifestly and patently erroneous, interference will be warranted. In other words, the court, without looking at extraneous materials, must be able come to definite and clear conclusion on the strength of the materials relied on by the academic experts themselves. Otherwise, absurd consequences will ensue as a matter of logical necessity (reductio ad absurdum). Let me demonstrate. Assume, the question is “who is now the Prime Minister of India?”. The candidate writes “Shri.Narendra Modi”. If the key answer is “Shri.Rahul Gandhi”, will it not be absurd?.



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15. *I called upon the learned standing counsel to make available the basis on which the experts came to the conclusion that the correct alternative is “confusion” and not “tension”. It is too obvious from the record that the experts have arbitrarily taken the stand that the key answer is correct and does not require change. Even the extract enclosed in the sealed cover indicated that “tension” is the right answer. “Contemporary Literary Critics” by Elmer Borklund published by Palgrave Macmillan while dealing with Allen Tate reads as follows:*

“The true poet, on the other hand, “is responsible for the virtue proper to him as a poet, for his special arete for the mastery of a disciplined language which will not shun the full report of the reality conveyed to him by his awareness.” The poet achieves this condition by means of what Tate calls “tension”.

the meaning of poetry is its “tension”, the full organized body of all the extension and intension that we can find in it.....”

The respondents merely passed on a slim sealed cover. When I clearly indicated that the material enclosed therein does not support the key answer but rather supports the answer given by the writ petitioner, there was no demurrer. No endeavour was made by the Board to even indicate that their answer could possibly be right. In the counter affidavit also, the accent was on questioning the jurisdiction of the court to entertain the writ petition. The counter affidavit is silent as to how the key answer is correct. Respectfully applying the decision of the Hon'ble Three Judges Bench of the Hon'ble Supreme Court in Kanpur University case, I hold that the petitioner has demonstrated that the key answer to Question No.108 is manifestly, demonstrably and patently wrong. The court cannot shut its eyes to what is too obvious and apparent.



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Only an ostrich donning judicial robes will hide its head in the sand.

16. Here is a case the petitioner is a woman belonging to backward class. Her future is at stake. Her fundamental rights guaranteed under Article 14 of the Constitution of India are involved. The paper setters had shown a wrong answer in the key. The experts have arbitrarily refused to correct the same while publishing the final key. I have already given a finding that the experts not only have not placed any material to show that the key answer is correct but even the material passed on to the court shows that the petitioner's answer is correct. The petitioner should therefore be awarded one more mark. She was wrongfully denied an extra one mark. The petitioner will be treated as having scored 98.773003 out of 150 marks. It is above what was scored by the last ranked selected candidate. I direct the respondent Board to send a communication to the Director of School Education Department mentioning the marks of the writ petitioner as 98.773003 and by including her in the appropriate place in the selection list. The Director of School Education Department shall issue an appointment order to the petitioner as P.G Assistant (English) without delay.”

20. The First Bench of this Court in **“T.Jothimalar Vs. The State of Tamil Nadu, Represented by its Principal Secretary to Government, Chennai and others”** in W.A.No.3552 of 2023 dated 24.05.2024, has held in Paragraph Nos.12 to 14 as under:-

“12. We find considerable force in the submissions of the learned counsel for the appellant. It is true that the respondents have constituted an expert committee and the committee had concluded that 15 questions in 11 sessions asked in the competitive examination are not correct and



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recommended for change of the key answers. However, insofar as question No.26 is concerned, the experts have opined that answer No.4 is correct and not answer No.3, which was written by the appellant.

13. It is well settled that this Court has no expertise to examine the correctness or otherwise of the answers set by the respondents. For this purpose, an expert committee was constituted. However, the expert opinion need not be relied on as a gospel truth by this Court. This is more so that the appellant placed heavy reliance on the approved text book (Tamilnadu Open University – B.Ed. - Second Year - Science Teaching - Part II). It is needless to mention that the book has been approved by the Tamil Nadu Open University and the candidates, including the appellant, who appeared for the competitive examination must have relied on the same. On going through the question No.26, we feel that the third option (A3) is the correct answer and it was written by the appellant. This is also fortified from the approved text book relied on by the appellant. Even otherwise, the question No.26 is a negative question as to whether which one of the following is not a part of teaching. For such question, answer No.3, in our opinion, will be more appropriate and has a nexus to the question. While so, merely because the experts have opined the correct answer as A4, we need not blindly accept it knowing fully well that it is wrong and dismiss the appeal of the appellant.

14. It is well settled position of law that the Courts should be slow in interfering with expert opinion in academic matters. However, there is no embargo for the Courts to disregard the opinion of the experts, if it is demonstrated that the opinion so rendered may not be correct and unreliable. In this regard, in the decision of the Honourable Supreme Court reported in Kanpur University case mentioned supra, it was held that judicial review cannot be totally ousted in certain circumstances where it was established that the answer set by the



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respondents is palpably wrong. In this case, on perusal of question No.26 and the four choice of answers given thereto, we are of the view that answer No.3 written by the appellant will be more appropriate and it is also supported by the approved text book. While so, we see no reason to reject the contentions urged on behalf of the appellant to award one more mark to her for Question No.26. Thus, on the strength of the approved text book produced by the appellant, we are of the definite and clear view that the answer to the question No.26 is A3 which was correctly written by the appellant. Therefore, the appellant is entitled to one more mark for question no.26.”

21. The First Bench of this Court in **“P.Vijayan Vs. The State of Tamil Nadu, Represented by its Principal Secretary to Government, Chennai and others”** in W.A.No.3463 of 2023 dated 04.06.2024, has held in Paragraph Nos.13 to 15 as under:-

“13. Therefore, it is evident and demonstrated by the learned counsel for the appellant that the four answers set by the respondents themselves are incorrect and it has caused confusion in the minds of the candidates who have attended the question. In none of the four answers, “6.25 paise” was given, and therefore, the candidates cannot be expected to write “6.25 paise”. It is also demonstrated by the learned counsel for the appellant from the text book as well as the material from the inter-net that one ana is equal to 6.25 paise.

14. It is true that the respondents have constituted an expert committee and the committee had concluded that 15 questions in 11 sessions asked in the competitive examination are not correct and recommended for change of the key answers. However, insofar as question No.31 is



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concerned, the experts have opined that answer No.A4 is correct. But, from the text book material furnished by the appellant, it is clear that one ana is equal to 6.25 paise and it was not given as one of the optional answers to question No.31 set by the respondents. Therefore, the conclusion reached by the experts that A4 is the correct answer to the question No.31 cannot be accepted and it is proved to be incorrect.

15. It is well settled that this Court has no expertise to examine the correctness or otherwise of the answer set by the respondents. For this purpose, an expert was constituted. However, the expert opinion need not be always relied on as a gospel truth by this Court. This is more so that the appellant placed heavy reliance on the approved text book which was also enclosed in the typed set of papers along with the memorandum of writ appeal. It is needless to mention that the book has been approved by the Tamil Nadu Open University and the candidates, including the appellant, who appeared for the competitive examination must have relied on the same. Even otherwise, on going through the question No.31 and the answers made available from the text book material as well as internet, we feel that the appellant has to be awarded one more mark for having attended question No.31. Merely because the experts have opined the correct answer as A4, we need not blindly accept it knowing full well that it is wrong and dismiss the appeal of the appellant.”

22. The First Bench of this Court in **“J.Albert Chandru Vs. The State of Tamil Nadu, Represented by its Principal Secretary to Government, Chennai and others”** in W.A.No.3464 of 2023 dated 04.06.2024, has held in Paragraph Nos.13 to 15 as under:-

“13. Therefore, it is evident and demonstrated by the



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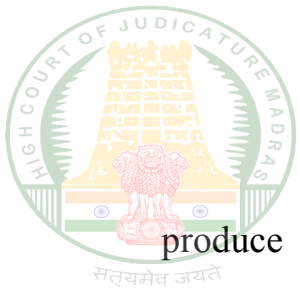
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learned counsel for the appellant that the conclusion reached by the experts is based on the text book. Similarly, the answer provided by the appellant is also based on the text book reference. As mentioned above, the IQ of a slow learner or a border line or dull student is categorised as 75 to 90 and it can also be taken into account by this Court to award one more mark to the appellant.

14. It is true that the respondents have constituted an expert committee and the committee had concluded that 15 questions in 11 sessions asked in the competitive examination are not correct and recommended for change of the key answers. However, insofar as question No.27 is concerned, the experts have opined that answer No.A1 is correct. But, from the text book material furnished by the appellant, it is clear that A2 is also a correct answer and therefore, for having marked A2, the appellant deserves to be awarded one more mark.

15. It is well settled that this Court has no expertise to examine the correctness or otherwise of the answer set by the respondents. For this purpose, an expert was constituted. However, the appellant placed heavy reliance on the text book which was also enclosed in the typed set of papers along with the memorandum of grounds of writ appeal. Even otherwise, on going through the question No.27 and the answers made available from the text book material, we are of the opinion that the appellant has to be awarded one more mark for having marked A2 as the correct answer. Merely because the experts have opined the correct answer as A1, we need not blindly accept it knowing fully well that it is wrong and dismiss the appeal of the appellant.”

23. By an order dated 02.12.2024, we have asked the respondents to

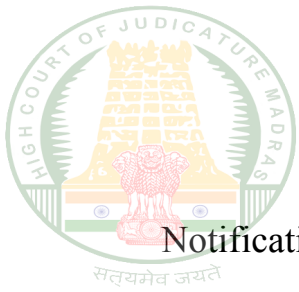


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produce the report of the Expert Committee insofar as Question No.40 is concerned. The Expert Committee have accepted Option-B as the final answer key and have come to a conclusion that Option-B was the correct answer. The Expert Committee have thus, accepted that the correct answer was Option-B namely “Muhammed of Ghazini” and based on the views expressed in “Advanced Study in the History of Medieval India (Vol.I : 1000-1526 A.D.)” 1979-2003 Edition, Authored by Mr.J.L.Mehta, published by M/s.Sterling Publishers Private Limited, New Delhi – 110 020.

24. The recruitment notification itself stipulates that syllabus for 9 subjects were published in Gazette No.122 dated 25.02.2021 and that the syllabus can be downloaded from the TRB's official website, www.trb.tn.gov.in.

25. It is noticed that the tentative key answers were published on 19.02.2022 and thereafter, 81 candidates had given their objections to the answer to Question No.40. After receipt of 81 objections to the answer in the tentative key answer to Question No.40, it was resolved by the Expert Committee on 18.05.2014 that Option-B was the correct answer. Therefore, we cannot sit in Judgment over the correctness of the answer recognized by the Expert Committee in terms of the modalities prescribed in the Recruitment



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Notification. Therefore, we cannot award additional marks to the appellant for

WEB Question No.40.

26. On the same principle, the contentions of the appellant to award additional/extra marks for Question No.109 in Part B also cannot be countenanced, as we cannot sit in appeal over the key answer published after the examinations were conducted. Therefore, no judicial review is permissible under Article 226 of the Constitution of India.

27. The appellant should have been vigilant and should have responded to the key answers published by the Recruitment Board to persuade the experts to look into the same. Further, even if the 4 options to Question No.109 in Part B were incorrect, all the candidates would have been given additional marks. Therefore, the appellant would have got no advantage even if the contention of the appellant regarding the correct answer to Question No.109 in Part B was accepted. Therefore, this Writ Petition is liable to be dismissed.

28. However, before parting, we would like to make a special mention regarding the flawed method followed by the Recruitment Board.

29. It is noticed that there are different views of different authors which



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lead the candidates to give different answers. Therefore, there should be standardized reading materials and texts which should be published in the website for candidates to prepare and participate in these competitive examinations, so that there is no scope for confusion regarding the correct answers.

30. We therefore direct the Tamil Nadu Teachers Recruitment Board (TNTRB) to device a standard syllabus and prescribe text books to enable the candidates to effectively participate in these competitive examinations to avoid *post facto* corrections to the key answers by referring the objections to the experts. This adhocism is to be avoided.

31. For the foregoing discussion, this Writ Appeal is liable to be dismissed on merits. It is accordingly dismissed. No costs. Connected Civil Miscellaneous Petitions are closed.

[R.S.K., J.]

[C.S.N., J.]

29.04.2025

Neutral Citation : Yes / No
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R.SURESH KUMAR, J.
and
C.SARAVANAN, J.

arb

Pre-Delivery Judgment in W.A.No.3486 of 2024

29.04.2025