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WP No. 33710 of 2019



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-04-2025

CORAM

THE HONOURABLE MS JUSTICE R.N.MANJULA

**WP No. 33710 of 2019
and W.M.P.No.34172 of 2019**

1. P.Bharathkumar,
S/o. K.Pachiyappan, Nadur Village,
Alapuram, Alapuram Post,
Pappireddipatti Taluk, Dharmapuri
District Dharmapuri

Petitioner(s)

Vs

1. The State of Tamil Nadu
Rep. by its Principal Secretary To
Government, School Education
Department, Secretariat, Fort St.
George, Chennai - 600009Chennai

2.The Director of School Education,
DPI Campus, College Road, Chennai -
600006

3.The Chairman,
Teacher Recruitment Board, 4th Floor,
EVK Sampath Maligai, DPI Campus,
College Road, Chennai - 600006



Respondent(s)

PRAYER Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus to direct the Respondents to award three marks for the Petitioner (19PG011600711) in respect of Tamil Subject based on the proof produced from standard Textbooks and consequently directing the Respondents to select and appoint the Petitioner to the post of P.G.Assistant (Tamil) under M.B.C Category, based on merits in the selection

For Petitioner(s): M/s.Maheshnath A.

For Respondent(s): Mr.A.M.Ayyadurai,
Govt Advocate For Rr1 And 2.
Mr.C.Kathirvelu
Standing Counsel for R3

ORDER

The writ petition has been seeking direction to the Respondents to award three marks for the Petitioner in respect of Tamil Subject based on the proof produced from standard Textbooks and consequently to direct the Respondents to select and appoint the Petitioner to the post of P.G.Assistant (Tamil) under M.B.C Category, based on merits in the selection.

2. In response to the Notification / Advertisement No.10/2019 dated 12.06.2019 issued by the third respondent inviting applications from eligible candidates for direct recruitment to the post of Post Graduate Assistants / Physical Director Grade I, School Education and other Departments for the year



2018 and 2019, the petitioner applied to the post of P.G.Assistant (Tamil). A Computer based competitive examination was conducted for three hours and the candidates are expected to answer 150 Multiple Choice Questions. According to the petitioner she had done the exams well. When the tentative answer key was published by inviting objections, if any, from the candidates, the petitioner found that some of the questions for Tamil subject were either wrong or carry multiple answers and hence the petitioner raised objections through online as prescribed.

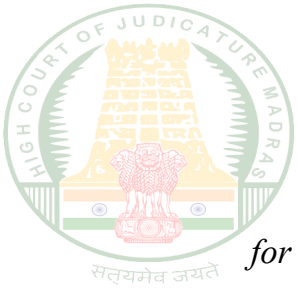
3. Mr.A.Maheshnath, the learned counsel for the petitioner, submitted that as per the judgment of the Hon'ble Supreme Court held in ***Kanpur University Vs. Sameer Gupta and others reported in 1983 (4) SCC 409***, if the answer given in the answer key is incorrect beyond doubt, it is unfair to penalise the students for not giving an answer as per the key.

3.1 Reliance was placed on the judgment of the Hon'ble Supreme Court of India in ***Uttar Pradesh Public Service Commission and another Vs. Rahul sing and another repoerted in 2018 (7) SCC 254*** in support of his contention that the onus is not on the part of the candidate to demonstrate that the key answer is incorrect but also on the part of the recruitment board to prove that the answer given in the key answer is not wrong.



4. Mr.C.Kathirvelu, the learned Standing Counsel for the third respondent, submitted that various persons have already filed similar writ petitions before the Hon'ble Supreme Court and as per the directions an Expert Committee was constituted in order to scrutinize the final answer key once again. According to the opinion given by the Expert Committee, Question No.66 of the Tamil subject alone is found to be carrying wrong answer or the question itself was wrong and hence all the candidates were given with extra marks. Even the petitioner has raised his objection with regard to Question No.66 and for which the petitioner was awarded with one mark extra and hence he had secured 92 marks. It appears that the cut off mark for the petitioner's category was 93 marks and the petitioner was lacking with only one mark. The petitioner has raised objection with regard to Q.No.51 and 103. However the Expert Committee did not find fault with the answers given for Q.No.51 and 103.

5. Since the answers have been reviewed by the expert body, this Court cannot once again scrutinize the answers and do the role of the experts. Once the questions are evaluated and a common decision has been taken by the Teachers Recruitment Board, that should be applied uniformly. In this regard it is appropriate to cite the judgment of this Court held in ***Priya.N Vs. The Secretary of Tamil Nadu in W.P.(MD) No.2527 of 2015*** wherein an order has been passed on 23.11.2020 to the following effect:



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“ 4. The said questions as alleged by the petitioner were evaluated for the purpose of awarding marks and accordingly, cut-off marks were fixed. Thus, the writ petitioner cannot seek direction to reevaluate the questions. Once the questions are evaluated and a common decision is taken by the Teachers Recruitment Board to award marks or not to award marks, it is to be applied uniformly to all the candidates who participated in the process of selection. In the present case, the said five questions were not omitted by the Teacher Recruitment Board. This apart, the Teachers Recruitment Board has categorically submitted that regarding the correctness of the answers, the court is not an expert body. The Court cannot evaluate the answers or answer sheets.

5. This being the factum now established, after a lapse of about five years, the selection already made deserves no interference and accordingly, the writ petition stands dismissed.”

6. As the third respondent has arrived at a final conclusion based upon the opinion given by the Expert Committee, there should be a finality and the Court cannot fetch up the matter any further without any valid reasons. Since the cut off mark was 93 and the petitioner has secured only 92 marks, she did not reach the zone of consideration for appointment. Unless the petitioner reaches the zone of consideration by securing the cut off marks, no direction as sought by the petitioner can be issued.



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7. In view of the above stated reasons, this writ petition is dismissed. No costs. Connected miscellaneous petition is closed.

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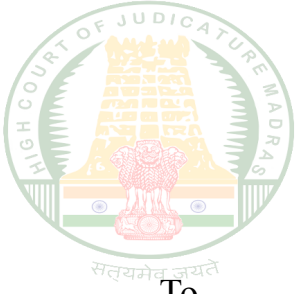
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To
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Government, School Education
Department, Secretariat, Fort St.
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- 2.The Director of School Education,
DPI Campus, College Road, Chennai -
600006
- 3.The Chairman,
Teacher Recruitment Board, 4th Floor,
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R.N.MANJULA J.

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