



W.A(MD)No.1460 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 03.04.2025

CORAM:

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE MS.JUSTICE R.POORNIMA

W.A.(MD)No.1460 of 2019

C.Thiripurasundari

... Appellant / Petitioner

Vs.

1.State of Tamil Nadu

Rep. by its Secretary to Government,
School Education Department,
Secretariat,
Chennai - 9.

2.The Teachers Recruitment Board,

Rep. by its Chairman,
College Road,
Chennai - 6.

3.The Director of School Education,

College Road,
Chennai - 6.

... Respondents/ Petitioner

Prayer: This Writ Appeal is filed under Clause XV of Letters Patent, to set aside the order passed in W.P.(MD)No.23103 of 2018 dated 19.12.2018 on the file of this Court.



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W.A(MD)No.1460 of 2019

For Appellant : Mr.H.Arumugam

For Respondents : Mr.V.Omprakash – for R1 & R3

Government Advocate

Mr.V.R.Shanmuganathan – for R2

Standing Counsel

JUDGMENT

DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

The writ appeal is preferred against the order passed by the learned Single Judge dismissing the application of the appellant seeking to award one mark.

2. The appellant participated in the selection process for the post of Physical Education Teacher conducted by the Teachers Recruitment Board. She secured 69 marks whereas the cut off marks for zone of consideration was 70 marks in the written test. For one particular question the tentative key answer was in favour of the writ



W.A(MD)No.1460 of 2019

petitioner. However, after receiving the objections the committee

constituted by the Teachers Recruitment Board has changed the answer.

3. The contention of the writ petitioner/ appellant is that had they not changed the tentative key answer for that question she would have secured 70 marks and got eligible and the Expert Committee which has changed the tentative key answer had not given any opportunity to her.

4. The learned Single Judge after considering the fact has held that the Expert Committee after receiving objections to the tentative key answer had concluded that the correct answer is only (a) Paris and not (c) Los Angels. The writ petitioner has chosen the wrong answer, hence, she cannot be awarded additional one mark.

5. The present writ appeal is filed being aggrieved by the order passed by the learned Single Judge on the ground that the ambiguity in the question and the Tamil translation of the English version had deprived one mark for the writ petitioner. The learned Single Judge ought to have given the benefit to the writ petitioner taking into



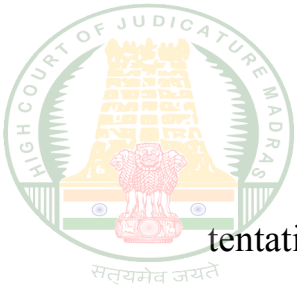
W.A(MD)No.1460 of 2019

consideration the Committee decision is not in tune with the facts and literature available.

6. The learned counsel appearing for the appellant would submit that to the question for the first time an Olympic village was constructed where to accommodate athletes. The Committee ought not to have change the tentative key from Los Angels to Paris, since there is a difference between building some cabins for use of athletes and purpose built village in the year 1924 when the Olympics was conducted in Paris, Olympic village was only at Los Angels.

7. It is also contended by the learned counsel for the appellant that the concept of multiple choice question is that among the choices only one answer is right and all other answers are wrong. In the instant case, when there are two right answers setting of question is to be faulted and the petitioner should not be penalized.

8. The learned counsel appearing for the respondent-Teacher Recruitment Board submitted that it is not two possible answer for the said multiple question. The right answer was only Paris. However, the



W.A(MD)No.1460 of 2019

tentative key wrongly mentioned Los Angels as the right answer that was corrected after getting the opinion of the Committee. There is no difference in the English and Tamil version of the question. When the question is specifically to mention that place where the athletes were accommodated. The appellant cannot mention the city where the place name as Olympic village.

9. Further, the learned counsel for the respondent would also submit that the selection process conducted by specialized agency consisting of Experts have taken a view regarding the right answer for the questions framed. Under Article 226 of the Constitution of India, the wisdom of experts cannot be substituted and in support of his submission the learned counsel relies upon the judgment of the Hon'ble Supreme Court rendered in ***Uttar Pradesh Public Service Commission Vs. Rahul Singh and another*** reported in ***2018(7) SCC 254***, wherein the Hon'ble Supreme Court has held that when there are conflicting views, in respect of key answer to a multiple choice question, 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.



W.A(MD)No.1460 of 2019

10. This Court in reverence to the above observation of the

WEB COM Hon'ble Supreme Court, dismiss the writ appeal holding it as devoid of merits.

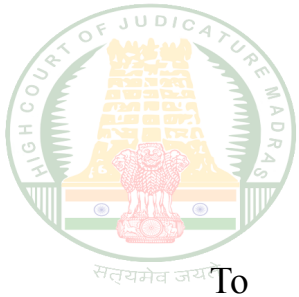
11. Accordingly, this Writ Appeal stands dismissed. No

costs.

[G.J., J.] [R.P., J.]
03.04.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes / No

RM



W.A(MD)No.1460 of 2019

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Judgment made in
W.A.(MD)No.1460 of 2019

03.04.2025