

W.A.(MD)Nos.179 to 184 of 2025

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DATED : 27.02.2025

CORAM:

THE HONOURABLE MRS.JUSTICE J. NISHA BANU
and
THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.A(MD)Nos.179 to 184 of 2025

and

C.M.P.(MD).Nos.1136 to 1138, 1141, 1142, 1148 to 1151 and 1154, 1155 of 2025

W.A.(MD).No.179 of 2025:

The Teachers Recruitment Board,
Represented by its Chairman,
4th Floor, EVK Sampath Malikai,
College Road, Chennai -06.

... Appellant

-Vs-

1.C.Kanniammal

2.P.Sudalaimuthu

3.The State of Tamil Nadu,
Represented by its Secretary,
Department of School Education,
Fort St. George, Chennai – 09.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.19024 of 2022, dated 20.04.2023.



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For Appellant

:Mr.V.R.Shanmuganathan

For R3

:Mr.J.Ashok

Additional Government Pleader

W.A.(MD).No.180 of 2025:

1.The Secretary,
School Education Department,
St. George Fort, Chennai – 600 006.

2.The Chairman,
Teacher Recruitment Board,
Chennai – 6

3. The Controller of Examination,
Teachers Recruitment Board,
Chennai-6.

... Appellants

-Vs-

Palanikumar

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.22302 of 2022, dated 20.04.2023.

For Appellant
Respondent

:Mr.V.R.Shanmuganathan
:Mr.M. Ramu

W.A.(MD).No.181 of 2025:

1.Teachers Recruitment Board,
Represented by its Chairman,
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai -600 006.



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2. Teachers Recruitment Board,
Represented by its Member Secretary,
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai -600 006.
Appellants

-Vs-

H.Vigneshwaran

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.22427 of 2022, dated 20.04.2023.

For Appellant

:Mr.V.R.Shanmuganathan

For Respondent

:Mr.T.Lajapathi Roy

Senior Counsel

for M/s.Lajapathi Roy and Associates

W.A.(MD).No.182 of 2025:

1. Teachers Recruitment Board,
Represented by its Chairman,
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai -600 006.

2. Teachers Recruitment Board,
Represented by its Member Secretary,
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai -600 006.

-Vs-

... Appellants

T.Kavitha

... Respondent



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Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.22428 of 2022, dated 20.04.2023.

For Appellant	:Mr.V.R.Shanmuganathan
For Respondent	:Mr.T.Lajapathi Roy Senior Counsel for M/s.Lajapathi Roy and Associates

W.A.(MD).No.183 of 2025:

1. Teachers Recruitment Board,
Represented by its Chairman,
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai -600 006.

2. Teachers Recruitment Board,
Represented by its Member Secretary,
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai -600 006.

... Appellants

-Vs-

R.Vairavan

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.22429 of 2022, dated 20.04.2023.

For Appellant	:Mr.V.R.Shanmuganathan
For Respondent	:Mr.T.Lajapathi Roy Senior Counsel for M/s.Lajapathi Roy and Associates



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W.A.(MD).No.184 of 2025:

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1. Teachers Recruitment Board,
Represented by its Chairman,
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai -600 006.

2. Teachers Recruitment Board,
Represented by its Member Secretary,
3rd Floor, Puratchi Thalaivar Dr. MGR Centenary Building,
DPI Campus, College Road,
Chennai -600 006.

... Appellants

-Vs-

S.Kasthuri

... Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letter Patent against the order of this Court in W.P.(MD)No.22430 of 2022, dated 20.04.2023.

For Appellant :Mr.V.R.Shanmuganathan

For Respondent :Mr.T.Lajapathi Roy
Senior Counsel
for M/s.Lajapathi Roy and Associates

COMMON JUDGMENT

(Judgment of the Court was delivered by **S.SRIMATHY, J.**)

All the writ appeals arises from common order and the issue raised is same, hence all the writ appeals are taken together and a common judgment is passed.



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2.(i) The W.A.(MD)No.179 of 2025 is filed by the respondents in the writ petition challenging the order passed in W.P.(MD)No.19024 of 2022, dated 20.04.2023. The prayer in the writ petition is for issuance of Writ of Declaration to declare the final key answer in the question Nos. 12,36,62,69,89,100,102 and 108 are wrong in so far as the petitioners are concerned and award eight marks to the petitioners for the question Nos. 12,36,62,69,89,100,102 and 108.

2.(ii) The W.A.(MD)No.180 of 2025 is filed by the respondents in the writ petition challenging the order passed in W.P.(MD)No.22302 of 2022, dated 20.04.2023. The prayer in the writ petition is for issuance of Writ of Mandamus to direct the 2nd and 3rd respondents to modify the answers as Hasan Sank which is (B) in No.69, Willington which is (A) in question No.102 and October 1937 which is (D) in question No.108 and to award one mark to each.

2.(iii) The W.A.(MD)No.181 of 2025 is filed by the respondents in the writ petition challenging the order passed in W.P.(MD)No.22427 of 2022, dated 20.04.2023. The prayer in the writ petition is for issuance of Writ of Declaration to declare the framing of wrong answer key in respect of the Direct



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Recruitment to the post of Post Graduate Assistants in History Subject and the consequential provisional selection list published by the 2nd respondent dated 10.09.2022 as illegal and consequently for a direction directing the respondents to award 9 marks for the question Nos.3,20,27,42,62,69,85,102 and 108 (Final Answer Key Question) and select and appoint the petitioner in the post of Post Graduate Assistant in History within stipulated time.

2.(iv) The W.A.(MD)No.182 of 2025 is filed by the respondents in the writ petition challenging the order passed in W.P.(MD)No.22428 of 2022, dated 20.04.2023. The prayer in the writ petition is for issuance of Writ of Declaration to declare the framing of wrong answer key in respect of the Direct Recruitment to the post of Post Graduate Assistants in History Subject and the consequential provisional selection list published by the 2nd respondent dated 10.09.2022 as illegal and consequently for a direction directing the respondents to award 9 marks for the question Nos.3,20,27,42,62,69,85,102 and 108 (Final Answer Key Question) and select and appoint the petitioner in the post of Post Graduate Assistant in History within stipulated time.



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2.(v) The W.A.(MD)No.183 of 2025 is filed by the respondents in the writ petition challenging the order passed in W.P.(MD)No.22429 of 2022, dated 20.04.2023. The prayer in the writ petition is for issuance of Writ of Declaration to declare the framing of wrong answer key in respect of the Direct Recruitment to the post of Post Graduate Assistants in History Subject and the consequential provisional selection list published by the 2nd respondent dated 10.09.2022 as illegal and consequently for a direction directing the respondents to award 5 marks for the question Nos.12,39,69,102 and 108 (Final Answer Key Question) and select and appoint the petitioner in the post of Post Graduate Assistant in History within stipulated time.

2.(vi) The W.A.(MD)No.184 of 2025 is filed by the respondents in the writ petition challenging the order passed in W.P.(MD)No.22430 of 2022, dated 20.04.2023. The prayer in the writ petition is for issuance of Writ of Declaration to declare the framing of wrong answer key in respect of the Direct Recruitment to the post of Post Graduate Assistants in History Subject and the consequential provisional selection list published by the 2nd respondent dated 10.09.2022 as illegal and consequently for a direction directing the respondents to award 9 marks for the question Nos.3,20,27,36,42,69,85,102 and 108 (Final



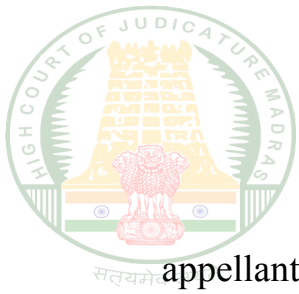
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Answer Key Question) and select and appoint the petitioner in the post of Post Graduate Assistant in History within stipulated time.

3. Even though the writ petitions are filed for 9 questions / 5 questions, the present appeal is regarding Question No.108 alone.

4. The Learned Counsel appearing for the appellants submitted that the issue was already considered by another Learned Single Judge in W.P. (MD)No.20168 of 2022 vide order dated 09.10.2023, wherein it is held that the Courts generally would not interfere with the experts opinion. In W.A.217 of 2024 filed against the order dated 09.10.2023 passed in W.P.No.20324 of 2022, while considering the challenge for the question No.102, the Hon'ble Division Bench had held when the experts in the field have rendered such an opinion then the Courts cannot substitute its opinion and reverse the conclusion arrived at by the experts. However, in the present case the Learned Single Judge had held that the expert opinion is incorrect and hence the present writ appeals.

5. The Learned Counsel appearing for the respondents submitted that the Learned Single Judge had considered the books referred by the



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appellants and thereafter had come to the conclusion that the expert opinion is incorrect and the books referred by the expert itself is not supporting the case of the appellants. Hence prayed to sustain the order passed by the Learned Single Judge.

6. The issue in the present appeals is Question No.108, wherein the question is “Rome – Berlin – Tokyo Axis was signed in which year?”. The option given is

- (A) October, 1934
- (B) October, 1935
- (C) October, 1936
- (D) October, 1937

According to the TRB, the appellant the answer is (C) October, 1936. Whereas the petitioners opted as (D) October, 1937. The Learned Single Judge had held that the petitioner’s answer (D) October, 1937 is the correct answer and the reason stated is culled out hereunder:

“It is true that the material indicates that Rome – Berlin – Axis was created in October, 1936. The question is not about creation of since the Rome – Berlin – Axis. The question is about Rome – Berlin – Tokyo Axis. It is signed only in October, 1937. Therefore the key answer is palpably wrong. The petitioners are entitled to one mark.”

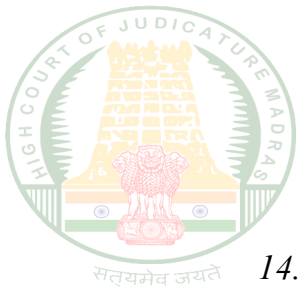


7. The Hon'ble Supreme Court in the case of ***U.P. Public Service***

Commission V. Rahul Singh reported in (2018) 7 SCC 254 has held that

“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, 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.



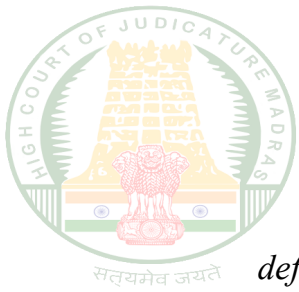
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14. In the present case we find that all the 3 questions needed a long process of reasoning and the High Court itself has noticed that the stand of the Commission is also supported by certain text books. When there are conflicting views, then the court 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.”

The Hon’ble Supreme Court in the aforesaid judgment has held if the candidate demonstrate that there is glaring mistake and it is apparent on the face of the record, then the Courts can interfere.

8. It is seen that the appellants have relied on the book written by Mr.V.D.Mahajan 13th edition reprinted in the year 2009 wherein in page 687 it has been stated that,

“... in 1934, the representatives of the United States, Great Britian and Japan met and discussed the question of naval limitations. Japan demanded parity with the neighbours but that was refused. The result was that Japan gave in December 1934 the required two years notice of the termination of the naval agreement. The notice was to expire in 1936. Hitler was outspoken of the denunciation of communism and Russia. Japan also was opposed to Russia. In November, 1936 Hitler entered into an Anti-Comintern pact with Japan by which the contracting parties agreed “to keep each other informed concerning the activities of the Third International, to consult upon the necessary



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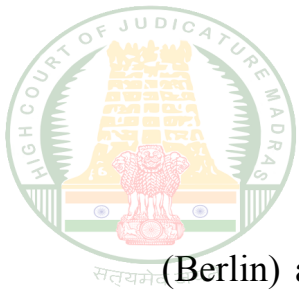
defence measures and to execute these measures in close cooperation with each other.” The two governments agreed to invite jointly the third parties whose domestic peace was endangered by the disruptive activities of the Communist International to embark upon measures for warding them off in accordance with the spirit of this agreement. The pact was to remain in force for five years. After the expiry of that period, the two governments agreed to arrive at an understanding with each other concerning the form that cooperation was to take...”

9. The candidates have relied on the same author Mr.V.D.Mahajan revised edition 2013 wherein it is stated in page No.434 as under:

“Berlin-Rome-Tokyo Axis:

In 1936, Germany entered into an Anti-Comintern with Japan. In 1937, Italy also joined the pact and thus the Berlin-Rome-Tokyo Axis came into being....”

10. From the above it is clear that the Germany and Japan entered into pact in the year 1936. Thereafter only Italy joined in the pact. The 1936 pact specifically states to invite third parties to this pact if their **domestic peace was endangered by the disruptive activities of the Communist International**. The Italy was invited to the pact and signed only in the year 1937. At the cost of repetition, the initial pact of 1936 was with Germany



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(Berlin) and Japan (Tokyo). Then in the year 1937 Italy (Rome) had entered into the pact.

11. The above view is supported and corroborated in another book written by Prof. L. Mukherjee M.A. a study of Modern Europe and the World reprinted in the year 2019 had stated as under:

“In 1936 Hitler concluded with Japan a pact known as Anti Comintern Pact which was directed against Russian Communism. Italy joined this pact in `937 and thus the Rome-Berlin-Tokyo Axis came into being. It was a new balance of power in which the three seceders from the League of Nations were set against Great Britain, France and Russia.”

Infact the above book is relied on by the appellants themselves and the same is supporting the case of the candidates.

12. Therefore, the candidates have demonstrated that the expert is incorrect. Further the mistake is apparent on the face. Furthermore the books relied on by the experts also is supporting the case of the candidates.

13. In such circumstances, the order passed by the Learned Single Judge by holding that “the question is not about creation of since the Rome –



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Berlin – Axis. The question is about Rome – Berlin – Tokyo Axis. It is signed only in October, 1937. Therefore the key answer is palpably wrong” is absolutely right and the same needs no interference. Consequently the writ appeals are liable to be dismissed.

14. With the above said observations, the writ appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[J.N.B., J.] [S.S.Y., J.]
27.02.2025

Index : Yes / No
Tmg

To:

The Secretary,
Department of School Education,
Fort St. George, Chennai – 09.



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J.NISHA BANU, J.

and

S.SRIMATHY, J.

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