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IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 07.03.2025

PRONOUNCED ON : 10.03.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

W.P.No. 6491 of 2025

And

W.M.P.No. 7149 of 2025

Dr.A.G.Rajasri

... Petitioner

..Vs..

1. The State of Tamil Nadu
Rep. By its Principal Secretary to Government
Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.

2. Medical Services Recruitment Board (MRB)
Rep. By its Member Secretary
7th Floor, DMS Buildings
No.359, Anna Salai, Teynampet
Chennai – 600 006.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying



for the issue of a Writ of Certiorarified Mandamus calling for the records of the second respondent dated 02.02.2025 stating that since the petitioner has scored less than 20 (40%) in the Tamil Eligibility Test held on 05.01.2025 she is ineligible for the post of Assistant Surgeon (General) and quash the same and consequently, direct the second respondent to award additional 3 marks for the question Nos. 10 ID No.(7131342119) 25 ID No. (7131342120) and 35 ID No. (7131342130) taking the total of the marks scored by the petitioner to 21 in the Tamil Eligibility Test held on 05.01.2025 pursuant to Notification No.01/MRB/2024 dated 15.03.2024 issued by the second respondent inviting applications for direct recruitment for the post of Assistant Surgeon (General) coming under the Tamil Nadu Medical service and call the petitioner for certificate verification and counselling for the post of Assistant Surgeon (General) pursuant to Notification No.01/MRB/2024 dated 15.03.2024 issued by the second respondent.

For Petitioner :: Mrs. Nalini Chidambaram
Senior Counsel

For 1st Respondent :: Mr. E.Sundaram
Government Advocate

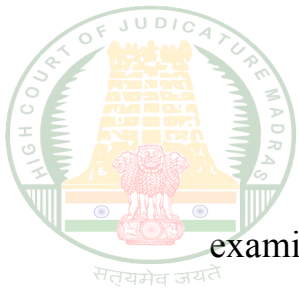
For 2nd Respondent :: Mr.J.Ravindran
Additional Advocate General
Assisted by L.Murugavel

ORDER



WEB COPY The Writ Petition has been filed in the nature of a Certiorarified Mandamus calling for the records of the second respondent dated 02.02.2025 by which it had been stated that the petitioner had obtained less than 20 marks in the Tamil Eligibility Test held on 05.1.2025 and therefore she was ineligible for the post of Assistant Surgeon (General) and to quash the same and direct the second respondent to grant three additional marks for question Nos. 10, 25 and 35 to the petitioner which would take the mark of the petitioner to 21 in the Tamil Eligibility Test and therefore make her eligible to be called for verification of certificates and counselling for the post of Assistant Surgeon (General) pursuant to the notification No.1/MRB/2024 dated 15.03.2024 issued by the second respondent.

2. The petitioner had applied for the post of Assistant Surgeon (General) consequent to the notification of the second respondent bearing No.1/MRB/2024 dated 15.03.2024. The scheme of the examination was Tamil Eligibility Test on 10th standard level for maximum of 50 marks in which the minimum qualification was 20 (40%) would be first held and the paper evaluated. Thereafter, the computer based test, objective type



examination for Assistant Surgeon (General) with a maximum of 100 marks with qualifying marks of 30 for SC, SC Arunthathiyar and ST and 35 for others would be held. This would be evaluated only if the candidate obtains the qualifying mark in the Tamil Eligibility Test..

3. The petitioner had written her Tamil Eligibility Test and had obtained 18 marks. She claimed that the key answers for question Nos. 10, 25 and 35 were wrong and that the answers as given by her were correct. She therefore stated that if she had been given those three marks, her answer sheet for the main examination would have been evaluated.

4. The learned Additional Advocate General had produced the key answers for question Nos. 10, 25 and 35 as given by the Expert Committee and also the reference materials based on which those key answers had been determined.

5. The reference materials and the reasons for the key answers had also been disclosed to the learned Senior Counsel for the petitioner.

6. Thereafter, during arguments, the learned Senior Counsel for the



petitioner conceded that the answer given by the petitioner for question No.10 was wrong but stated that the petitioner had correctly given the answer for question No.35 and further contended that there was an error in the question No.25. The learned Senior Counsel therefore contended that the petitioner must be granted two additional marks in the Tamil Eligibility Test.

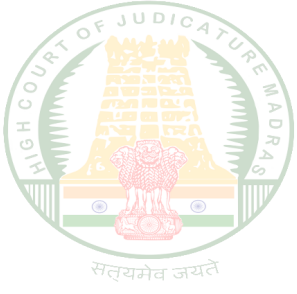
7. Question No.25 is as follows:-

Q: 25. ஆசிரியப்பாவால் இயற்றப்பட்ட பாடல்களை பெரும்பான்மையாக கொண்ட இலக்கியங்கள்?

Options:

1. (A) ஐம்பெருங்காப்பியங்கள்
1. (B) சங்க இலக்கியங்கள்
1. (C) சிற்றிலக்கியங்கள்
1. (D) ஐஞ்சிறுங்காப்பியங்கள்

8. Both the petitioner and the respondents placed reliance on page No. 195 of the 10th standard text book prescribed by the Tamil Nadu Government School Education Department as the answer to the above question. In Page No.195, it had been given as follows:-



WEB COPY அகவல் ஓசை

அகவல் ஓசை ஆசிரியப்பாவிற்கு உரியது. இலக்கண கட்டுக்கோப்புக் குறைவாகவும் கவிதை வெளியீட்டிற்கு எளிதாவதும் இருப்பது அகவற்பா என்னும் ஆசிரியப்பா. சங்க இலக்கியங்களும் சிலப்பதிகாரம் மணிமேகலை பெருங்கதை ஆகிய காப்பியங்களும் அகவற்பா வில் அமைந்தவை,

9. The learned Senior Counsel for the petitioner stated that the petitioner had chosen option (A) while according to the respondents the correct answer is option (B). The learned Senior Counsel stated that both (A) and (B) are correct answers. It is thus contended that the petitioner should be granted one additional mark.

Question No.35 is as follows:-

சொல்லத்தக்கச் செய்தி எனும் தொடர் உணர்த்தும் எச்சம்

1. (A) பெயரச்சம்
2. (B) கூட்டு நிலை பெயரச்சம்
3. (C) வினையெச்சம்
4. (D) கூட்டு நிலை வினையெச்சம்

10. The petitioner had chosen an option (C). The respondents have



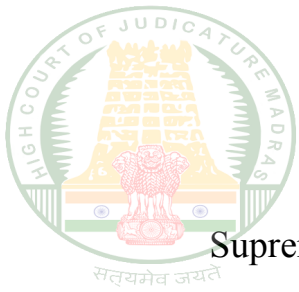
stated that the correct answer option (B). The learned Senior Counsel stated that in the question in the word சொல்லத்தக்கச் செய்தி, the letter ஃ had been wrongly given and therefore, claimed that the entire question is wrong and that therefore, one mark must be given.

11. The learned Additional Advocate General very fairly stated that he would not enter into a discussion on the correctness of the answers given by the experts and had placed a caution on the Court to venture into this exercise as the Court cannot consider itself as an Expert over and above, the Expert Committee which had examined the correctness of the question and the correctness of the key answer.

12. I have carefully considered the arguments advanced.

13. The Hon'ble Supreme Court in situations like this had placed a word of caution on Courts in assuming the role of an expert in a field in which the Court is evidently and admittedly not an expert.

14. The learned Additional Advocate General reported in **(2010) 8 SCC 372, Basavaiah (Dr.) Vs. Dr.H.L.Ramesh and others.** The Hon'ble

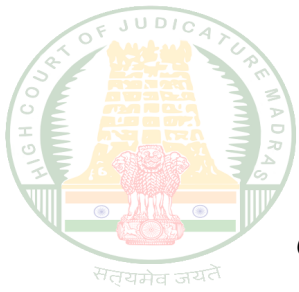


Supreme Court examined the re-visitation of an exercise of an Expert Committee in the matter of appointment for the post of Reader in Sericulture. It is also to be noted that the contesting parties were holding Doctorate Degrees in the said subject. The Hon'ble Supreme Court had held as follows:

“37. In All India Council for Technical Education v. Surinder Kumar Dhawan [(2009) 11 SCC 726] again the legal position has been reiterated that it is a rule of prudence that courts should hesitate to dislodge decisions of academic bodies.

38. We have dealt with the aforesaid judgments to reiterate and reaffirm the legal position that in the academic matters, the courts have a very limited role particularly when no mala fides have been alleged against the experts constituting the Selection Committee. It would normally be prudent, wholesome and safe for the courts to leave the decisions to the academicians and experts. As a matter of principle, the courts should never make an endeavour to sit in appeal over the decisions of the experts. The courts must realise and appreciate its constraints and limitations in academic matters.

39. In the impugned judgment, the High Court has ignored the consistent legal position. They were expected to abide by the discipline of the precedents of the courts.

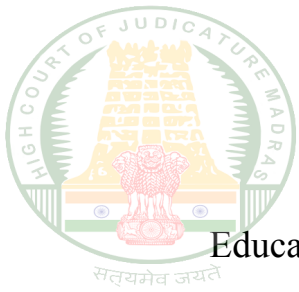


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Consequently, we are constrained to set aside the impugned judgment of the Division Bench of the High Court and restore the judgment of the Single Judge of the High Court.”

15. In the extract referred *supra*, the Hon'ble Supreme Court had also frowned upon the practice of the High Courts to ignore consistent legal position. The consistent legal position was that, in academic matters, the Courts have a very limited role particularly when no malafide had been alleged against the experts constituting the Selection Committee. It had also been held that it would only be prudent and safe for the Courts to leave the decision to the academicians. A word of caution had been held out that the Courts should not endeavour to sit in appeal over the decisions of the experts. As a matter of fact, it had been stated that the Court should appreciate its constraints and limitations in academic matters.

16. The learned Additional Advocate General placed further reliance on the judgment of the Hon'ble Supreme Court reported in **(2018) 2 SCC 357, *Ran Vijay Singh and Others Vs. State of Uttar Pradesh and Others***, wherein against the Hon'ble Supreme Court examined the challenge to a recruitment process in an examination conducted by the U.P Secondary



Education Services Selection Board. The Hon'ble Supreme Court was also concerned with revaluation by the court of the key answers. It had been held as follows:

“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; and

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

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.

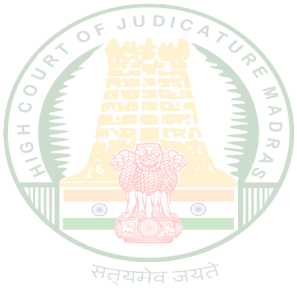
32. It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. 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 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.”

17. It had thus seen that it had been again held by the Hon'ble Supreme Court that the Courts should be extremely cautious in assuming the role of an expert in re-evaluating and scrutinizing the answer sheets of the candidates particularly when the Court has no expertise in the matter and when academic matters are left best to academicians.

18. The position of law is clear. The role of the Court to re-evaluate and re-examine and re-scrutinize the correctness of the answers as projected by the respondents is extremely narrow.



WEB COPY 19. However, this Court had entered upon an exercise to call upon the respondents to produce the expert opinion given with respect to the correctness of the answers of the questions relating to which disputes have been raised. The respondents were able to produce the said details with respect to each one of the questions which had been raised by the petitioner herein. The details were with respect to the decision of the expert. The name of the expert who actually set the question paper had been disclosed. Thereafter, the question had been reduced in writing. Thereafter, the answer as per the key had been given. The name of the expert who was deputed to take a decision for the objective tracker was also given. This expert was different from the expert who actually set the question paper.

20. It is thus seen that not only were the questions examined but also the answers were examined to determine the correct choice out of the four possible choices for that particular question. The key answer was given and then in a brief paragraph, the justification was given as to why that particular key answer is correct. It was not just a personal opinion of the expert to that particular key answer, but the reference material or material from which the

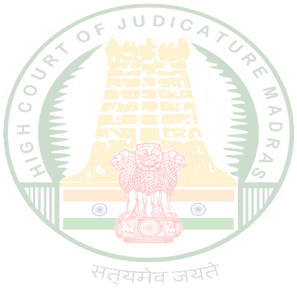


expert was able to get the correct key answer was also given.

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21. These are all part of records. Unless the Court were to impute malafide on the part of the expert who set the question paper, that a particular question was set to favour a particular candidate and the Court were to further impute malafide on the part of the expert who evaluated the question and also identified the correct answer, the Court should not embark on a journey to question the correctness of the opinion of the expert and the correctness of the fact stated in the reference book and the correctness of the question viz-a-viz the correctness / choice.

22. The learned Additional Advocate General had produced all the relevant details with respect to each one of the question put forth during the course of arguments and I must respect the expert's opinion with respect to question Nos.25 and 35, the key answers as given by them are correct. That justification is further reinforced by the source material on the basis of which such justification had been given.



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23. The learned Senior Counsel had stated that with respect to Question No.25, both the answer given by the petitioner and the answer given as the key answer are correct.

24. As stated by the Hon'ble Supreme Court, the Court will have to presume the correctness of the key answers and proceed on that assumption.

25. With respect to the challenge laid to question No.35, particularly to the word சொல்லத்தக்கச் செய்தி wherein the letter ஃ had been included erroneously according to the learned Senior Counsel for the petitioner it has to be held that this is an issue on which the Court cannot embark into deep examination. Again, as seen from the records, the questions had been set by a different individual and the key answers had been prepared by a different individual.

26. I hold that the challenge to these questions should necessarily fail as it is beyond the scope of judicial review to examine the correctness or otherwise of the key answers, even if it is to be taken that the answers as projected by the petitioners are also be probably correct. As stated by the Hon'ble Supreme Court, the Courts should lean in favour of the opinion



given by the expert who had considerable time, and had access to various reference books before the correct answer was chosen. Further, in case of doubt, the benefit should go to the examination authority rather than to the candidate. The Court has also satisfied itself that for each one of the questions necessary expert opinion had been obtained and necessary reference books had also been examined.

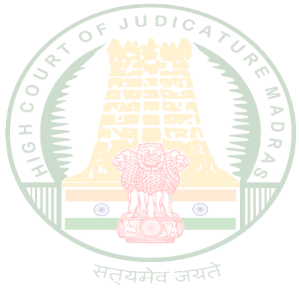
27. In view of the above reasonings, this Writ Petition stands dismissed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.

10.03.2025

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Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order
Issue Order Copy today 10/03/2025

To

1. Principal Secretary to Government
The State of Tamil Nadu
Health and Family Welfare Department,
Fort St.George, Chennai – 600 009.
2. Member Secretary
Medical Services Recruitment Board (MRB)
7th Floor, DMS Buildings
No.359, Anna Salai, Teynampet
Chennai – 600 006.



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C.V.KARTHIKEYAN, J.,

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Pre-Delivery Order made in

W.P.No. 6491 of 2025

And

W.M.P.No. 7149 of 2025

10.03.2025