IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 25.03.2025

PRONOUNCED ON : 28 .03.2025

Coram

THE HON'BLE MR JUSTICE C.V.KARTHIKEYAN

W.P.No.6881 of 2025
And
W.M.P.Nos. 7580, 7581 & 7582 of 2025

N.Karthika ... Petitioner

-Vs-

1. State of Tamil Nadu
represented by its Secretary,
Health and Family Welfare
Fort St. George, Secretariat
Chennai -9.

2. Medical Services Recruitment Board
Represented by its Chairman
7th Floor, DMS Building
359, Anna Salai, Teynampet,
Chennai -6. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus in connection with the impugned provisional selection list in PSL bearing ref.No.01/MRB/2024, dated 20.02.2025 in so far as non-inclusion of the name of the petitioner being meritorious candidate and quash the same and direct the second respondent to

give 59 marks instead of 52 marks in the exams conducted by the second respondent in pursuant to the notification dated 15.03.2024.

For Petitioner	:	*Mr.V.Prakash* *Senior Counsel* *for Mr.K.Krishnamoorthy*
For 1st Respondent	:	*Mr. M.Bindran* *Additional Government Advocate*
For 2nd Respondent	:	*Mr.J.Ravindran* *Additional Advocate General* *assisted by* *Mr.L.Murugavelu*

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus calling for the records of the provisional list of selected candidates for the post of Assistant Suregon (General) in PSL bearing ref.No.01/MRB/2024, dated 20.02.2025 and to quash the same so far as the non-inclusion of the name of the petitioner is concerned and direct the second respondent to grant 59 marks instead of 52 marks to the petitioner in the exams conducted by the second respondent pursuant to the notification dated 15.03.2024.

2. In the affidavit filed in support of the Writ Petition, it had been contended that the petitioner had applied for the Direct Recruitment to the post of Assistant Surgeon (General) consequent to a notification issued by the second respondent on 15.03.2024. A corrigendum was then issued on 04.02.2025 wherein, the reservations of the posts were announced. It was held out that 192 posts were reserved for Scheduled Caste (General) and 94 posts were reserved for Scheduled Caste (Women). The petitioner belongs to the Scheduled Caste community. The petitioner had attended the computer based examination on 05.01.2025. The key answers were published on 09.01.2025. The respondent had invited objections from the candidates. The petitioner had filed objections for question Nos. 5, 18, 61, 72 and 95. The petitioner claims that she should have obtained 57 marks but was awarded only 52 marks.

3. The petitioner was called for certificate verification by letter dated 06.02.2025. Her certificates were verified on 15.02.2025. The selection list was then published on 20.02.2025. The petitioner was however not selected. The petitioner claimed that the last candidate, who had been selected under the Scheduled Caste (General) category had scored 54 marks. The petitioner has raised her objections with respect to the correctness of the key answers for question Nos. 5, 18, 61, 72 and 95.

4. With respect to question No.5 for which the key answer given was 'a', the petitioner claimed that the question itself is incorrect and therefore she must be given one additional mark.

5. With respect to question No. 18, the key answer given was 'd'. The petitioner claimed that all the four options were correct and therefore, since all the options were correct, she must be given one additional mark.

6. With respect to question No.61, the key answer was given as 'a'. The petitioner claimed that the correct answer is option 'b'.

7. With respect to question No. 72, the key answer given was 'a' but the petitioner claimed that both options 'a' and 'b' are correct and therefore since the petitioner had marked 'b', she should have been given one additional mark.

8. With respect to question No.95, the key answer given was 'a'. The petitioner claimed that the correct answer is option 'c'.

9. Raising these issues, the petitioner had filed the Writ Petition seeking additional marks to be given to her and thereby declaring her to be successful and selected for the post of Assistant Surgeon (General).

10. Mr.V.Prakash, learned Senior Counsel for the petitioner in his arguments took the Court elaborately through the study materials relied on by the petitioner to drive home the point that for question No.5, namely, *"Rapid correction of Hypernatremia can cause",* the options given are actually for Rapid correction of **Hyponatremia.** It is contended that the option related to the Rapid correction of **Hyponatremia** and not **Hypernatremia** as contended by the respondents. With respect to question No.18, the learned Senior Counsel again pointed out that the key answer given 'd' is not alone correct but all the four options are correct. With respect to question Nos. 61, 72 and 95 again, the learned Senior Counsel questioned the key answer given and claimed that the answers as projected by the petitioner alone are correct. The learned Senior Counsel also placed reliance on the reference books Davidson's Principles and Practice of Medicine, 24th edition and Jonathan Abrams in this connection. The learned Senior Counsel was emphatic that the answers given by the petitioner should be revisited and that therefore, the petitioner should be granted additional marks.

11. In this connection, the learned Senior Counsel placed reliance on the Judgment of the Hon'ble Supreme Court reported in ***(2018) 8 SCC 81 [Rishal and Others Vs. Rajasthan Public Service Commission and Others]*** and placed specific reference to paragraph Nos. 15 to 19, 24 to 26 which are as follows:-

> *"**16.** Following the above judgment in **Kanpur University [Kanpur University v. Samir Gupta, (1983) 4 SCC 309] this Court in Manish Ujwal v. Maharishi Dayanand Saraswati University [Manish Ujwal v Maharishi Dayanand Saraswati University, (2005) 13 SCC 744]** , reiterated the principle in the following words in paras 9 and 10: (SCC p. 748)*
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> *"9. In **Kanpur University v. Samir Gupta [Kanpur University v. Samir Gupta, (1983) 4 SCC 309]** considering a similar problem, this Court held that there is an assumption about the key answers being correct and in case of doubt, the Court would unquestionably prefer the key answers. It is for this reason that we have not referred to those key answers in respect whereof there is a doubt as a result of difference of opinion between the experts. Regarding the key answers in respect whereof the matter is beyond the realm of doubt, this Court has held that 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. There is no dispute about the aforesaid six key answers being demonstrably wrong and this fact has rightly not been questioned by the learned counsel for the University. In this view, students cannot be made to suffer for the fault and negligence of the University.

***10**. The High Court has committed a serious illegality in coming to the conclusion that "it cannot be said with certainty that answers to the six questions given in the key answers were erroneous and incorrect". As already noticed, the key answers are palpably and demonstrably erroneous. In that view of the matter, the student community, whether the appellants or intervenors or even those who did not approach the High Court or this Court, cannot be made to suffer on account of errors committed by the University. For the present, we say no more because there is nothing on record as to how this error crept up in giving the erroneous key answers and who was negligent. At the same time, however, it is necessary to note that the University and those who prepare the key answers have to be very careful and abundant caution is necessary in these matters for more than one reason. We mention few of those; first and paramount reason being the welfare of the student as a*

wrong key answer can result in the merit being made a casualty. One can well understand the predicament of a young student at the threshold of his or her career if despite giving correct answer, the student suffers as a result of wrong and demonstrably erroneous key answers; the second reason is that the courts are slow in interfering in educational matters which, in turn, casts a higher responsibility on the University while preparing the key answers; and thirdly, in cases of doubt, the benefit goes in favour of the University and not in favour of the students. If this attitude of casual approach in providing key answers is adopted by the persons concerned, directions may have to be issued for taking appropriate action, including disciplinary action, against those responsible for wrong and demonstrably erroneous key answers, but we refrain from issuing such directions in the present case."

17. *To the same effect, this Court in* ***Guru Nanak Dev University v. Saumil Garg [Guru Nanak Dev University v. Saumil Garg, (2005) 13 SCC 749]****,*** *had directed the University to revaluate the answers of 8 questions with reference to key answers provided by CBSE. This Court also disapproved the course adopted by the University which has given the marks to all the students who had participated in the entrance test irrespective of whether someone had answered questions or not.*

18. *Another judgment which is referred to is* ***Rajesh Kumar v. State of Bihar [Rajesh Kumar v. State of Bihar, (2013) 4 SCC 690 : (2013) 2 SCC (L&S) 359 : 4 SCEC 856]*** *, where this Court had occasion to consider the case pertaining to erroneous evaluation using the wrong answer key. The Bihar Staff Selection Commission invited applications against the posts of Junior Engineer (Civil). Selection process comprised of a written objective type examination. Unsuccessful candidates assailed the selection. The Single Judge of the High Court referred* ***[Ajay Kumar v. State of Bihar, 2007 SCC OnLine Pat 1067 : (2008) 1 PLJR 357]*** *the "model answer key" to experts. Based on the report of the experts, the Single Judge held that 41 model answers out of 100 are wrong. The Single Judge held that the entire examination was liable to be cancelled and so also the appointments so made on the basis thereof. The letters patent appeal was filed by certain candidates which was partly allowed* ***[Ajay Kumar v. State of Bihar, 2008 SCC OnLine Pat 918 : (2008) 2 PLJR 310]*** *by the Division Bench of the High Court. The Division Bench modified the order passed by the Single Judge and declared that the entire examination need not be cancelled. The order of the Division Bench was challenged wherein this Court in para 19 has held: (SCC p. 697)*

"19. The submissions made by Mr Rao are not without merit. Given the nature of the defect in the answer key the most natural and logical way of correcting the evaluation of the scripts was to correct the key and get the answer scripts re-evaluated on the basis thereof. There was, in the circumstances, no compelling reason for directing a fresh examination to be held by the Commission especially when there was no allegation about any malpractice, fraud or corrupt motives that could possibly vitiate the earlier examination to call for a fresh attempt by all concerned. The process of re-evaluation of the answer scripts with reference to the correct key will in addition be less expensive apart from being quicker. The process would also not give any unfair advantage to anyone of the candidates on account of the time lag between the examination earlier held and the one that may have been held pursuant to the direction of the High Court ***[Ajay Kumar v. State of Bihar, 2008 SCC OnLine Pat 918 : (2008) 2 PLJR 310]*** *. Suffice it to say that the re-evaluation was and is a better option, in the facts and circumstances of the case."*

19. *The key answers prepared by the paper-setter or the examining body is presumed to have been prepared after due deliberations. To err is human. There are various*

factors which may lead to framing of the incorrect key answers. The publication of key answers is a step to achieve transparency and to give an opportunity to candidates to assess the correctness of their answers. An opportunity to file objections against the key answers uploaded by examining body is a step to achieve fairness and perfection in the process. The objections to the key answers are to be examined by the experts and thereafter corrective measures, if any, should be taken by the examining body. In the present case, we have noted that after considering the objections final key answers were published by the Commission thereafter several writ petitions were filed challenging the correctness of the key answers adopted by the Commission. The High Court repelled the challenge accepting the views of the experts. The candidates still unsatisfied, have come up in this Court by filing these appeals.

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24. *The learned counsel for the appellants have also pointed out several other questions in Paper 1 which according to the learned counsel for the appellants have not been correctly answered by the Expert Committee. We have considered few more questions as pointed out and*

perused the answers given by the Expert Committee and we are of the view that no error can be found with the answers of the Expert Committee with regard to three more questions which have been pointed out before us. The Expert Committee, constituted to validation of answer key, has gone through every objection raised by the appellants and has satisfactorily answered the same. The Commission has also accepted the report of the Expert Committee and has proceeded to revise the result of 311 appellants before us. We, thus, are of the view that report of the Expert Committee which has been accepted by the Commission need to be implemented.

25. *One of the submissions raised by the appellants is that marks of deleted questions ought not to have been redistributed in other questions. It is submitted that either all the candidates should have been given equal marks for all the deleted questions or marks ought to have been given only to those candidates who attempted those questions.*

26. *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 redistribution 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 (sic questions). The High Court has rightly approved the said methodology. ”

12. The learned Senior Counsel claimed that the petitioner had demonstrated that the answers stated by her alone are correct and that the question No.5 itself is wrong. He therefore contended that in accordance with the observation of the Hon'ble Supreme Court, since there has been demonstration of the correctness of the questions set by the respondents so far as the aforementioned questions are concerned, the petitioner should be granted the benefit of additional marks.

13. On the side of the respondents, consequent to the directions issued by this Court, the respondents had also produced the decision of the experts relating to the aforementioned questions.

14. With respect to each one of the questions, the respondents had produced the source material from which the key answers had been chosen. With respect to Question No.5, the respondents had placed reliance on Nelson's Essential of Peadiatrics, page 139. With respect to question No.18, the respondents had placed reliance on the same source material as the petitioner, namely, Davidson's Principles and Practice of Medicine, 24th Edition, page 1304 to hold that option 'd' alone is correct. With respect to question No.61, the respondents have disclosed that answer 'a' alone is correct and had placed reliance on Davidson's Principles and Practice of Medicine, 24th Edition page 400. With respect to question No.72, the respondents have claimed that portion 'a' alone is correct and in this connection had placed reliance of K.Park Text Book of Preventive and Social Medicine 27th Edition page 118. With reference to question No.95, the respondents had placed reliance that option 'a' alone is correct on K.Park Text Book of Preventive and Social Medicine 27th Edition page 403.

15. The learned Additional Advocate General in his arguments pointed out that the respondents were not in a position to file counter since the reasons under which the key answers had been given were the domain of experts and

therefore stated that it would be extremely imprudent if this Court were to substitute itself to the position of the experts and determine the correctness of the key answers as provided by the respondents.

16. In this connection, the learned Additional Advocate General placed reliance on the Judgment of the Hon'ble Supreme Court reported in ***(2018) 7 SCC 254 [Uttar Pradesh Public Service Commission and another Vs. Rahul Singh and Another]*** and placed specific reference to paragraph Nos. 8 to 15, which are as follows:-

> *"**8.** What is the extent and power of the Court to interfere in matters of academic nature has been the subject-matter of a number of cases. We shall deal with the two main cases cited before us.*
>
> ***9.** In **Kanpur University v. Samir Gupta [Kanpur University v. Samir Gupta, (1983) 4 SCC 309] ,** this Court was dealing with a case relating to the Combined Pre-Medical Test. Admittedly, the examination setter himself had provided the key answers and there were no committees to moderate or verify the correctness of the key*

answers provided by the examiner. This Court upheld the view of the Allahabad High Court that the students had proved that three of the key answers were wrong. The following observations of the Court are pertinent:

"16. ... We agree that the key answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well versed in the particular subject would regard as correct."

The Court gave further directions but we are concerned mainly with one that the State Government should devise a system for moderating the key answers furnished by the paper setters.

10. *In* ***Ran Vijay Singh v. State of U.P. [Ran Vijay Singh v. State of U.P., (2018) 2 SCC 357 : (2018) 1 SCC (L&S) 297]*** *, this Court after referring to a catena of judicial pronouncements summarised the legal position in the following terms: (SCC pp. 368-69, para 30)*

"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."

11. *We may also refer to the following observations in paras 31 and 32 which show why the constitutional courts must exercise restraint in such matters:* ***(Ran Vijay Singh case [Ran Vijay Singh v. State of U.P., (2018) 2 SCC 357 : (2018) 1 SCC (L&S) 297] , SCC p. 369)***

"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."

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

17. The learned Additional Advocate General further stated that appointment orders had been issued to nearly 2642 candidates and stated that the entire examination process was conducted in a transparent manner and also pointed out that even in this case, the respondents had disclosed the study materials on the basis of which the key answers had been decided by the

experts. As a matter of fact in the documents produced, it is seen that the respondents have disclosed the name of the expert who had set the question and the name of the expert who had determined the key answer and the source materials from which the key answers had been determined.

18. I have given my careful consideration to the arguments advanced.

19. The scope of this court to convert itself as an expert over and above an Expert Committee had been examined by the Hon'ble Supreme Court.

20. In (***2010) 8 SCC 372, Basavaiah (Dr.) v. Dr.H.L.Ramesh and Others,*** the Hon'ble Supreme Court had examined the interference by the High Court with the answers as projected by the Expert Committee. The Hon'ble Supreme Court had used the word "***impermissiblity***" of such interference. The Hon'ble Supreme Court further stated that the court should show deference to the recommendations of the Expert Committee, particularly when no mala fide had been alleged against the experts constituting the selection committee.

21. The opinion of the experts had been disclosed by the respondents. The petitioner only claims that the answers as projected by her alone are correct and the answers as projected by the Expert Committee are not correct. The petitioner relies on various reference materials to state that the answers given by her are correct.

22. The learned Senior Counsel had only advanced arguments projecting the reference materials as instructed by the petitioner which according to the petitioner were the correct reference materials and contended that on that basis alone the answers should have been examined.

23. The Hon'ble Supreme Court, in ***Basavaiah (Dr.)*** case referred to *supra*, had examined the appointment of Readers in Sericulture in the year 1999 on the basis of the qualifications possessed by the appellants therein. The Hon'ble Supreme Court thereafter examined the notification under which the selection process was conducted. As in this case, an Expert Committee had been constituted by the University. Thereafter, it had been stated that the Committee had scrutinised the qualification, experience and the works published by the candidates and had made recommendations in favour of their

appointments. The Supreme Court finally stated as follows:

> *"21. It is the settled legal position that the courts have to show deference and consideration to the recommendation of an Expert Committee consisting of distinguished experts in the field. In the instant case, experts had evaluated the qualification, experience and published work of the appellants and thereafter recommendations for their appointments were made. The Division Bench of the High Court ought not to have sat as an appellate court on the recommendations made by the country's leading experts in the field of Sericulture."*

24. The Hon'ble Supreme Court had also examined an earlier case wherein judgment was rendered by a Constitution Bench of the Supreme Court, reported in ***AIR 1965 SC 491, The University of Mysore v. C.D.Govinda Rao.*** Even the Constitution Bench unanimously held that normally the courts should be slow to interfere with the opinions expressed by the Experts, particularly when there is no allegation of mala fides against the Experts who had constituted the Selection Board. Paragraph 22 of the Judgment is extracted hereunder:

> *"22. A similar controversy arose about 45 years ago regarding appointment of Anniah Gowda to the post of*

Research Reader in English in the Central College, Bangalore, in the case of The University of Mysore and Another v. C.D.Govinda Rao and Another, AIR 1965 SC 491, in which the Constitution Bench unanimously held that normally the Courts should be slow to interfere with the opinions expressed by the experts particularly in a case when there is no allegation of mala fides against the experts who had constituted the Selection Board. The court further observed that it would normally be wise and safe for the courts to leave the decisions of academic matters to the experts who are more familiar with the problems they face than the courts generally can be."

25. The Hon'ble Supreme Court further placed reference to the another judgment of the Hon'ble Supreme Court reported in (***1979) 2 SCC 339, M.C.Gupta (Dr.) v. Dr.Arun Kumar Gupta*** and had extracted paragraph No.7 of the said judgment which is extracted hereunder:

"7. ....When selection is made by the Commission aided and advised by experts having technical experience and high academic qualifications in the specialist field, probing teaching research experience in technical subjects, the Courts should be slow to interfere with the opinion expressed by experts unless there are allegations of mala fides against them. It would normally be prudent and safe

for the Courts to leave the decision of academic matters to experts who are more familiar with the problems they face than the Courts generally can be..."

26. The Hon'ble Supreme Court had further relied on the judgment reported in ***(1980) 3 SCC 418, J.P.Kulshrestha (Dr.) v. Allahabad University,*** wherein again it had been observed that the Court should not substitute its judgment for that of the academicians. Paragraph 17 of the said judgment is as follows:

> *"17. Rulings of this Court were cited before us to hammer home the point that the court should not substitute its judgment for that of academicians when the dispute relates to educational affairs. While there is no absolute ban, it is a rule of prudence that courts should hesitate to dislodge decisions of academic bodies."*

27. A further reference has been made to the judgment of the Hon'ble Supreme Court reported in ***(1984) 4 SCC 27, Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh Bhupeshkumar Sheth*** where again it had been observed that the Court should be extremely

reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience. The relevant paragraph No.29 is as follows:

> *"29. ... As has been repeatedly pointed out by this Court, the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich experience of actual day-to-day working of educational institutions and the departments controlling them."*

28. The Hon'ble Supreme Court further placed reliance on another judgment of the Hon'ble Supreme Court reported in ***(1990) 2 SCC 746, Neelima Misra v. Harinder Kaur Paintal,*** where again the same dictum had been laid down by the Hon'ble Supreme Court.

29. Further in ***(1992) 2 SCC 220, Bhushan Uttam Khare v. B.J.Medical College***, the Hon'ble Supreme Court had placed reliance on the dictum laid down by the Constitution Bench judgment in ***University of Mysore*** case

referred *supra*.

30. The Hon'ble Supreme Court had further placed reliance on further precedents in paragraph Nos.30 to 37 which are as follows:

> "30. *In* ***(1990) 1 SCC 305, Dalpat Abashab Solunke & Others v. Dr. B.S.Mahajan & Others,*** *the court in somewhat similar matter observed thus:*
>
> > *"12. ...It is needless to emphasise that it is not the function of the court to hear appeals over the decisions of the Selection Committees and to scrutinize the relative merits of the candidates. Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. The court has no such expertise. The decision of the Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection etc. It is not disputed that in the present*

case the University had constituted the Committee in due compliance with the relevant statutes. The Committee consisted of experts and it selected the candidates after going through all the relevant material before it. In sitting in appeal over the selection so made and in setting it aside on the ground of the so called comparative merits of the candidates as assessed by the court, the High Court went wrong and exceeded its jurisdiction."

31. In ***(1994) 1 SCC 169, Chancellor & Another etc. v. Dr. Bijayananda Kar & Others,*** *the court observed thus:*

"9. This Court has repeatedly held that the decisions of the academic authorities should not ordinarily be interfered with by the courts. Whether a candidate fulfils the requisite qualifications or not is a matter which should be entirely left to be decided by the academic bodies and the concerned selection committees which invariably consist of experts on the subjects relevant to the selection."

32. In ***(2000) 3 SCC 59****,* ***J & K State Board of Education v. Feyaz Ahmed Malik & Others,*** *the court while stressing on the importance of the functions of the expert body observed that the expert body consisted of persons coming from different walks of life who were engaged in or interested in the field of education and had wide experience and were entrusted with the duty of maintaining higher standards of education. The decision of such an expert body should be given due weightage by courts.*

33. In ***(2001) 5 SCC 486****,* ***Dental Council of India v. Subharti K.K.B. Charitable Trust,*** *the court reminded the High Courts that the court's jurisdiction to interfere with the discretion exercised by the expert body is extremely limited.*

34. In ***(2001) 8 SCC 427****,* ***Medical Council of India v. Sarang,*** *the court again reiterated the legal principle that the court should not normally interfere or interpret the rules and should instead leave the matter to the experts in the field.*

35. In ***(2008) 14 SCC 306****,* ***B.C.Mylarappa v. Dr.R.Venkatasubbaiah,*** *the court again reiterated legal principles and observed regarding importance of the recommendations made by the Expert Committees.*

36. In ***(2008) 9 SCC 284****,* ***Rajbir Singh Dalal (Dr.) v. Chaudhari Devi Lal University,*** *the court reminded that it is not appropriate for the Supreme Court to sit in appeal over the opinion of the experts.*

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

31. Finally in paragraph No.38, the legal position had been reiterated, The said paragraph is as follows:

"35. *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 fide has 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 realize and appreciate its constraints and limitations in academic matters."*

32. In paragraph No.39, the Hon'ble Supreme Court had frowned upon the High Court to have ignored the consistent legal position. Paragraph No.39 is as follows:

> *"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. 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."*

33. The Hon'ble Supreme Court had stated that the High Courts have to abide by the discipline of the principles of the Courts. The precedents of the Courts very clearly and categorically stated that the High Court cannot substitute itself for an expert and when there is no mala fide alleged against the Committee constituted by Experts, their opinion must be upheld and no other opinion should be examined or stated by the court.

34. This position of law had again been examined by the Hon'ble Supreme Court in ***(2018) 2 SCC 357, Ran Vijay Singh and Others v. State of Uttar Pradesh and Others***. The Hon'ble Supreme Court had examined the scope of judicial review in re-evaluation and examination of the correctness of

the key answers. The principles required to be followed have been reiterated by the Hon'ble Supreme Court. Even in that particular case, an issue was raised about the correctness of the key answers as given by the Expert Committee. The Hon'ble Supreme Court had held as follows:

> *18. A complete hands-off or no-interference approach was neither suggested in* ***Mukesh Thakur [(2010) 6 SCC 759]*** *nor has it been suggested in any other decision of this Court – the case law developed over the years admits of interference in the results of an examination but in rare and exceptional situations and to a very limited extent.*
>
> *19. In* ***(1983) 4 SCC 309, Kanpur University v. Samir Gupta,*** *this Court took the view that*
>
> > *"16. .... the key answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well-versed in the particular subject would regard as correct."*
>
> *In other words, the onus is on the candidate to clearly*

demonstrate that the key answer is incorrect and that too without any inferential process or reasoning. The burden on the candidate is therefore rather heavy and the constitutional courts must be extremely cautious in entertaining a plea challenging the correctness of a key answer. To prevent such challenges, this Court recommended a few steps to be taken by the examination authorities and among them are: (i) Establishing a system of moderation; (ii) Avoid any ambiguity in the questions, including those that might be caused by translation; and (iii) Prompt decision be taken to exclude the suspect question and no marks be assigned to it.

20. ***(1984) 4 SCC 27, Maharashtra State Board of Secondary and Higher Secondary Education v. Paritosh BhupeshKumar Sheth*** *is perhaps the leading case on the subject and concerned itself with Regulation 104 of the Maharashtra Secondary and Higher Secondary Education Boards Regulations, 1977 which reads:*

> *"**104. Verification of marks obtained by a candidate in a subject.**—(1) Any candidate who has appeared at the Higher Secondary Certificate examination may apply to the Divisional Secretary for verification of marks in any particular subject. The verification will be restricted to checking whether all the*

answers have been examined and that there has been no mistake in the totalling of marks for each question in that subject and transferring marks correctly on the first cover page of the answer book and whether the supplements attached to the answer book mentioned by the candidate are intact. No revaluation of the answer book or supplements shall be done.

(2) Such an application must be made by the candidate through the head of the junior college which presented him for the examination, within two weeks of the declaration of the examination results and must be accompanied by a fee of Rs 10 for each subject.

(3) No candidate shall claim, or be entitled to revaluation of his answers or disclosure or inspection of the answer books or other documents as these are treated by the Divisional Board as most confidential."

21. The question before this Court was: Whether, under law, a candidate has a right to demand an inspection, verification and revaluation of answer books and whether the statutory regulations framed by the

Maharashtra State Board of Secondary and Higher Secondary Education governing the subject insofar as they categorically state that there shall be no such right can be said to be ultra vires, unreasonable and void.

22. This Court noted that the Bombay High Court, while dealing with a batch of 39 writ petitions, divided them into two groups: (i) Cases where a right of inspection of the answer sheets was claimed; (ii) Cases where a right of inspection and re-evaluation of answer sheets was claimed. With regard to the first group, the High Court held the above Regulation 104(3) as unreasonable and void and directed the concerned Board to allow inspection of the answer sheets. With regard to the second group of cases, it was held that the above Regulation 104(1) was void, illegal and manifestly unreasonable and therefore directed that the facility of re- evaluation should be allowed to those examinees who had applied for it.

23. In appeal against the decision of the High Court, it was held by this Court that the principles of natural justice are not applicable in such cases. It was held that:

"12. ... The principles of natural justice cannot be extended beyond reasonable and

rational limits and cannot be carried to such absurd lengths as to make it necessary that candidates who have taken a public examination should be allowed to participate in the process of evaluation of their performances or to verify the correctness of the evaluation made by the examiners by themselves conducting an inspection of the answer books and determining whether there has been a proper and fair valuation of the answers by the examiners."

24. On the validity of the Regulations, this Court held that they were not illegal or unreasonable or ultra vires the rule making power conferred by statute. It was then said:

"16. ... The Court cannot sit in judgment over the wisdom of the policy evolved by the Legislature and the subordinate regulation-making body. It may be a wise policy which will fully effectuate the purpose of the enactment or it may be lacking in effectiveness and hence calling for revision and improvement. But any drawbacks in the policy incorporated in a rule or regulation will not render it ultra vires and the Court

cannot strike it down on the ground that, in its opinion, it is not a wise or prudent policy, but is even a foolish one, and that it will not really serve to effectuate the purposes of the Act. The Legislature and its delegate are the sole repositories of the power to decide what policy should be pursued in relation to matters covered by the Act and there is no scope for interference by the Court unless the particular provision impugned before it can be said to suffer from any legal infirmity, in the sense of its being wholly beyond the scope of the regulation-making power or its being inconsistent with any of the provisions of the parent enactment or in violation of any of the limitations imposed by the Constitution. None of these vitiating factors are shown to exist in the present case…..".

It was also noted by this Court that:

"22. ... the High Court has ignored the cardinal principle that it is not within the legitimate domain of the Court to determine whether the purpose of a statute can be served better by adopting any policy different from what has been laid down by the Legislature or its delegate and to strike down as

unreasonable a bye-law (assuming for the purpose of discussion that the impugned regulation is a bye-law) merely on the ground that the policy enunciated therein does not meet with the approval of the Court in regard to its efficaciousness for implementation of the object and purposes of the Act."

25. Upholding the validity of Regulation 104, this Court then proceeded on the basis of the plain and simple language of the Regulation to hold that

"20. ... The right of verification conferred by clause (1) is subject to the limitation contained in the same clause that no revaluation of the answer books or supplements shall be done and the further restriction imposed by clause (3), prohibiting disclosure or inspection of the answer books."

This Court then concluded the discussion by observing:

"29. ... As has been repeatedly pointed out by this Court, the Court should be extremely reluctant to substitute its own views as to what is wise, prudent and proper in relation to academic matters in preference to those formulated by professional men possessing technical expertise and rich

experience of actual day-to-day working of educational institutions and the departments controlling them. It will be wholly wrong for the Court to make a pedantic and purely idealistic approach to the problems of this nature, isolated from the actual realities and grass root problems involved in the working of the system and unmindful of the consequences which would emanate if a purely idealistic view as opposed to a pragmatic one were to be propounded. It is equally important that the Court should also, as far as possible, avoid any decision or interpretation of a statutory provision, rule or bye-law which would bring about the result of rendering the system unworkable in practice. It is unfortunate that this principle has not been adequately kept in mind by the High Court while deciding the instant case."

26. In ***(2004) 6 SCC 714, Pramod Kumar Srivastava v. Chairman, Bihar Public Service Commission****, the question under consideration was whether the High Court was right in directing re-evaluation of the answer book of a candidate in the absence of any provision entitling the candidate to ask*

for re-evaluation. This Court noted that there was no provision in the concerned Rules for re-evaluation but only a provision for scrutiny of the answer book

> *"wherein the answer-books are seen for the purpose of checking whether all the answers given by a candidate have been examined and whether there has been any mistake in the totalling of marks of each question and noting them correctly on the first cover page of the answer-book."*

This Court reiterated the conclusion in ***(1984) 4 SCC 27, Paritosh Bhupeshkumar Sheth*** *that*

> *"7. ... in the absence of a specific provision conferring a right upon an examinee to have his answer-books re-evaluated, no such direction can be issued."*

27. The principle laid down by this Court in Paritosh Bhupeshkumar Sheth was affirmed in ***W.B. Council of Higher Secondary Education v. Ayan Das*** *and it was reiterated that there must be finality attached to the result of a public examination and in the absence of a statutory provision re-evaluation of answer scripts cannot be permitted and that it could be done only in exceptional cases and as a rarity. Reference was also made to* ***(2004) 6 SCC 714, Pramod Kumar Srivastava v.***

Bihar Public Service Commission, (2004) 13 SCC 383, Board of Secondary Education v. Pravas Ranjan Panda *and* ***(2007) 1 SCC 603, Board of Secondary Education v. D.Suvankar****.*

28. The facts in ***(2014) 14 SCC 523, Central Board of Secondary Education v. Khushboo Shrivastava*** *are rather interesting. The respondent was a candidate in the All India Pre-Medical/Pre-Dental Entrance Examination, 2007 conducted by the Central Board of Secondary Education (for short "the CBSE"). Soon after the results of the examination were declared, she applied for re-evaluation of her answer sheets. The CBSE declined her request since there was no provision for this. She then filed a writ petition in the Patna High Court and the learned Single Judge called for her answer sheets and on a perusal thereof and on comparing her answers with the model or key answers concluded that she deserved an additional two marks. The view of the learned Single Judge was upheld by the Division Bench of the High Court.*

29. In appeal, this Court in ***(2014) 14 SCC 523, Khushboo Shrivastava case,*** *set aside the decision of the High Court and reiterating the view already expressed by*

this Court from time to time and allowing the appeal of the CBSE it was held:

> *"9. We find that a three-Judge Bench of this Court in* ***(2004) 6 SCC 714, Pramod Kumar Srivastava v. Bihar Public Service Commission*** *has clearly held relying on* ***(1984) 4 SCC 27, Maharashtra State Board of Secondary Education v. Paritosh Bhupeshkumar Sheth*** *that in the absence of any provision for the re-evaluation of answer books in the relevant rules, no candidate in an examination has any right to claim or ask for re-evaluation of his marks. The decision in* ***(2004) 6 SCC 714, Pramod Kumar Srivastava v. Bihar Public Service Commission*** *was followed by another three-Judge Bench of this Court in* ***(2004) 13 SCC 383, Board of Secondary Education v. Pravas Ranjan Panda*** *in which the direction of the High Court for re- evaluation of answer books of all the examinees securing 90% or above marks was held to be unsustainable in law because the regulations of the Board of Secondary Education, Orissa, which conducted the examination, did not make any provision for re- evaluation of answer books in the rules.*

10. In the present case, the bye-laws of the All India Pre- Medical/Pre-Dental Entrance Examination, 2007 conducted by the CBSE did not provide for re-examination or re-evaluation of answer sheets. Hence, the appellants could not have allowed such re-examination or re-evaluation on the representation of Respondent 1 and accordingly rejected the representation of Respondent 1 for re-examination/re-evaluation of her answer sheets.....

11. In our considered opinion, neither the learned Single Judge nor the Division Bench of the High Court could have substituted his/its own views for that of the examiners and awarded two additional marks to Respondent 1 for the two answers in exercise of powers of judicial review under Article 226 of the Constitution as these are purely academic matters. ....."

35. Finally in paragraph Nos.30.3, 30.4 and 30.5, the Hon'ble Supreme Court held as follows:

"30.3. The Court should not at all re-evaluate or scrutinize 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."

36. An examination of the aforementioned position of law as stated by the Hon'ble Supreme Court would show that the Court should presume the correctness of the key answers and proceed on that presumption. It must also be kept in mind that the Court must understand that it has no expertise in the academic matters and it would be prudent that such matters are best left to the academicians. It had been further held that in the event of a doubt, the benefit should go to the Examination Authority rather than to the candidate. Further in paragraph No.31, the Hon'ble Supreme Court had held as follows:

"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."

37. It is thus seen that the Hon'ble Supreme Court had also reiterated that sympathy or compassion does not play any role in any matter of directing or not directing re-evaluation of an answer sheet. It had been very categorically stated that despite several decisions of the Hon'ble Supreme Court, there are interferences by the Courts in the result of examination and such interference had been declared as unwarranted by the Supreme Court. It had been held as follows in paragraph 32:

"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."

38. The Hon'ble Supreme Court had stated that such a re-scrutiny of the examination would put the Examination Authority in an unenviable position of

coming under scrutiny and not the candidates.

39. The position of law is thus clear. It cannot be interpreted otherwise.

40. The Hon'ble Supreme Court had referred to a catena of judgments commencing with the Constitution Bench Judgment of the year 1965 and moving further down and had categorically held that the answers as projected by the Expert Committee alone should be presumed to be correct.

41. When there are two possible answers, the Hon'ble Supreme Court had very clearly stated that the answer key as projected by the Expert Committee alone must be taken to be correct. The Court has to give due deference to the dictum laid down by the Hon'ble Supreme Court.

42. I am not inclined to concur with any of the contentions raised by the learned Senior Counsel for the petitioner. I am not inclined to examine whether the answers projected by the petitioner are correct. I am inclined to follow the dictum laid down by the Hon'ble Supreme Court that the answers projected by the Expert Committee are correct and must be presumed to be correct and the court should proceed on such presumption. To reiterate, the petitioner has not alleged any mala fide on the part of the Expert Committee. The affidavit has

not been filed on that line. No arguments have been advanced raising such a ground.

43. The writ petition is dismissed. No costs. Consequently, W.M.P.No. 7580 of 2025 stands allowed and W.M.P.Nos. 7581 & 7582 of 2025 stands closed.

28.03.2025

vsg

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To

1. The Secretary
State of Tamil Nadu
Health and Family Welfare
Fort St. George, Secretariat
Chennai -9.

2. The Chairman
Medical Services Recruitment Board
7th Floor, DMS Building
359, Anna Salai, Teynampet,
Chennai -6.

C.V.KARTHIKEYAN, J.

vsg

Pre-Delivery Order made in

W.P.No.6881 of 2025
And
W.M.P.Nos. 7580, 7581 & 7582 of 2025

28.03.2025