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.7711 of 2025
And
W.M.P.Nos. 8655 & 8657 of 2025

Dr.Akash. S ... Petitioner

-Vs-

1. The State of Tamil Nadu
represented by the Principal Secretary to Government
Department of Health and Family Welfare
Secretariat
Chennai – 600 009.

2. The Medical Services Recruitment Board (MRB)
Represented by its Member Secretary
7th Floor, DMS Building
359, Anna Salai, Teynampet,
Chennai -600 006.

3. Tamil Nadu Medical Council
No.959 & 960
Poonamallee High Road,
Purasaiwakkam,
Chennai – 600 084. ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorarified Mandamus calling for the records of the provisional selection list bearing PSL No.01/MRB/2024 dated 20.02.2025 with respect to the post of Assistant Surgeon (General) issued by the second respondent Board and to quash the same and to direct the respondents to constitute an Expert Committee to re-assess the revised answer key with respect to Question No.5 with question ID-7131342189 (Revised Question No. 39 with Question ID-7131342039) and question No. 20 with question ID – 7131342183 (Revised question No.33 with question ID – 7131342033) and to direct the second respondent to re-issue the provisional selection list for the post of Assistant Surgeon (General) and further to direct the respondents to select the petitioner for appointment to the post of Assistant Surgeon (General) pursuant to the Notification vide Notification No.01/MRB/2024 dated 15.03.2024 issued by the second respondent.

For Petitioner	:	Mrs.Y.Kavitha for P.V.S.Giridhar Associate
For 1st Respondent	:	Mr. M.Bindran Additional Government Advocate
For 2nd Respondent	:	Mr.J.Ravindran Additional Advocate General assisted by Mr.L.Murugavelu
For 3rd Respondent	:	Mr. U.Bharanidharan

ORDER

The Writ Petition has been filed in the nature of a Certiorarified Mandamus seeking records relating to the provisional selection list dated 20.02.205 in PSL No.01/MRB/2024 with respect to the post of Assistant Surgeon (General) issued by the second respondent and quash the same in so far as the non selection of the petitioner is concerned and direct the respondents to constitute an Expert Committee to re-assess the revised answer key for Question No.5 and Question No.20 and direct the second respondent to re-issue the provisional selection list for the said post and select the petitioner herein.

2. In the affidavit filed in support of the Writ Petition, it had been contended that the writ petitioner had applied for the post of Assistant Surgeon (General) consequent to a notification issued by the second respondent. The petitioner attended the examination held on 05.01.2025. The tentative answer keys were revised by the second respondent on 08.01.2025. The petitioner had obtained 58 marks instead of 61 marks which he expected he would receive. He challenges the correctness of the key answers given to Question Nos. 5 and

3. The learned counsel for the petitioner argued that with respect to question No.5, the key answer suggested by the respondent was 'a'. On the other hand, the petitioner claims that the answer given by him, namely, 'b' alone is correct. With respect to question No.20, the petitioner contends that the key answer given namely, 'd' is wrong and that the correct answer is 'b'. In this connection, with respect to question No.5, the petitioner had placed reliance on the reference material, Davidson's Principles and Practice of Medicine, 24th edition. With respect to question No.10, the petitioner placed reliance on the study materials Harrison's Mannual of Medicine 20th Edition at Page No.714 and Ganong's Review of Medical Physiology 26th Edition. The learned counsel for the petitioner argued that the respondents must therefore form a separate committee to examine the correctness of the key answers provided by them and verify whether the key answers as given by the petitioner alone are correct.

4. The petitioner filed an additional affidavit stating that the petitioner had not independently submitted any representation to the second respondent raising objections as to the correctness of the key answers.

5. In this connection, the learned counsel for the petitioner placed reliance on the Judgment reported in ***(1983) 4 SCC 309 [Kanpur University and others Vs. Samir Gupta and others]*** and placed specific reference to paragraph Nos. 16, 17 and 20 which are as follows:-

> *"**16.** Shri Kacker, who appears on behalf of the University, contended that no challenge should be allowed to be made to the correctness of a key answer unless, on the face of it, it is wrong. 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 contention of the University is falsified in this case by a large number of acknowledged textbooks, which are commonly read by students in U.P. Those textbooks leave no room for doubt that the*

answer given by the students is correct and the key answer is incorrect.

17. *Students who have passed their Intermediate Board Examination are eligible to appear for the entrance Test for admission to the medical colleges in U.P. Certain books are prescribed for the Intermediate Board Examination and such knowledge of the subjects as the students have is derived from what is contained in those textbooks. Those textbooks support the case of the students fully. If this were a case of doubt, we would have unquestionably preferred the key answer. But if the matter is beyond the realm of doubt, 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.*

20. *Twenty-seven students in all were concerned with these proceedings, out of whom 8 were admitted to the BDS course, 3 were admitted to the MBBS course last year itself in place of the students who dropped out and 5 have succeeded in getting admission this year. Omitting 8 of the respondents who have been already admitted to*

the MBBS course, the remaining 19 shall have to be given admission as directed by the High Court. If the key answer was not wrong as it has turned out to be, they would have succeeded in getting admission. In view of the findings of the High Court, the question naturally arose as to how the marks were to be allotted to the respondents for the three questions answered by them and which were wrongly assessed by the University. The High Court has held that the respondents would be entitled to be given 3 marks for each of the questions correctly ticked by them, and in addition they would be entitled to 1 mark for those very questions, since 1 mark was deducted from their total for each of the questions wrongly answered by them. Putting it briefly, such of the respondents as are found to have attempted the three questions or any of them would be entitled to an addition of 4 marks per question. If the answer-books are reassessed in accordance with this formula, the respondents would be entitled to be admitted to the MBBS course, about which there is no dispute. Accordingly, we confirm the directions given by the High Court in regard to the reassessment of the particular questions and the admission of the respondents to the MBBS course."

6. The learned counsel for the petitioner placed further reliance on the Judgment reported in ***2019 SCC OnLine P&H 3912 [Harvinder Singh Johal Vs. Registrar General, Hon'ble Punjab and Haryana High Court and another]*** and placed specific reference to paragraph Nos. 24, 26 and 30 which are as follows:-

> *"**24.** Thus in view thereof, the contention of the petitioners in respect of question No. 105 is hereby repelled.*
>
> ***26.** According to the respondents, based on the report of the experts committee, the correct answer of this question is option 'C' whereas according to the petitioners, the correct answer of this question is option 'A'.*
>
> ***30.** We have heard learned counsel for the parties in this regard and are of the considered opinion that the contention of the respondents is not acceptable. We would again refer to the note appended with the opening sheet of the question paper in which it is provided that "for filling up the blanks/answering the questions, choose the*

best option out of the given options" and in our view the best option of question No. 81 by all means would be option 'A' i.e. "insanity" which actually was the case of Mc Naughten, who was suffering from some insane delusion and not from intoxication. Thus we propose to give benefit of this question to the petitioners and direct that the answer to this question should be considered as option 'A' instead of 'C'."

7. The learned counsel for the petitioner placed further reliance on the Judgment reported in ***(2018) 8 SCC 81 [Rishal and Others Vs. Rajasthan Public Service Commission and Others]*** and placed specific reference to paragraph No. 19 which is as follows:-

*"**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."

8. The learned counsel for the petitioner placed further reliance on the Judgment reported in ***(2020) 10 SCC 448 [Commissioner of Police and Another Vs. Umesh Kumar]*** and placed specific reference to paragraph Nos. 17 to 23 which are as follows:-

*"**17.** This judgment has adverted to the course which the recruitment process followed since the publication of an advertisement for selection to the 2013 batch of Constables (Executive)-Male in Delhi Police. The narration of facts demonstrates that a result notifying a list of provisionally selected candidates was initially declared on 13-7-2015 but it was soon found*

that an error had crept in due to the failure to allocate a bonus mark to every candidate whose height was in excess of 178 cm. The allotment of bonus marks was provided in Standing Order No. 212 of 2011, which necessitated a revision of the results. In the revised result, which was declared on 17-7-2015, certain candidates from the original list were ousted while new candidates came in. Both the respondents were part of the list of successful candidates. Yet, there can be no dispute about the factual position that the recruitment process was yet to be concluded. For one thing, the process of verification of character and antecedents and the ascertaining of medical fitness was yet to be carried out. But apart from this, a set of OAs came to be instituted by unsuccessful candidates before the Tribunal highlighting grievances in regard to the manner in which the answer-key had been prepared. The authorities agreed before the Tribunal to appoint an Expert Committee. Following the submission of the report of the Expert Committee, the results were revised on 22-2-2016.

18. *After a decision was taken by the competent authority for revising the result, as many as 123 candidates who had been selected earlier were ousted and 129 new candidates came into the selected list. This process of revising the results was carried out when the*

recruitment process was yet to be completed for the candidates selected in the result declared on 17-7-2015. This process of the revision of the result was then unsuccessfully challenged in the first batch of OAs before the Tribunal, and subsequently the writ petitions under Article 226 before the High Court were also dismissed ***[Sandeep Kumar v. Delhi Police, 2016 SCC OnLine Del 5457]*** *as not pressed. The flip-flops which took place were undoubtedly because of the failure of the authorities to notice initially the norm of allotting 1 bonus mark based on height and due to the failure to prepare a proper answer-key. Such irregularities have become a bane of the public recruitment process at various levels resulting in litigation across the country before the Tribunals, the High Courts and ultimately this Court as well. Much of the litigation and delay in carrying out public recruitment would be obviated if those entrusted with the duty to do so carry it out with a sense of diligence and responsibility.*

19. *The real issue, however, is whether the respondents were entitled to a writ of mandamus. This would depend on whether they have a vested right of appointment. Clearly the answer to this must be in the negative. In* ***Punjab SEB v. Malkiat Singh [Punjab SEB v. Malkiat Singh, (2005) 9 SCC 22 : 2006 SCC (L&S) 235]*** *, this Court held that the mere inclusion of*

candidates in a selection list does not confer upon them a vested right to appointment. The Court held : (SCC p. 26, para 4)

*"4. ... the High Court [**Malkiat Singh v. Punjab SEB, 1999 SCC OnLine P&H 75 : ILR (1999) 2 P&H 329**] committed an error in proceeding on the basis that the respondent had got a vested right for appointment and that could not have been taken away by the subsequent change in the policy. It is settled law that mere inclusion of name of a candidate in the select list does not confer on such candidate any vested right to get an order of appointment. This position is made clear in para 7 of the Constitution Bench judgment of this Court in **Shankarsan Dash v. Union of India [Shankarsan Dash v. Union of India, (1991) 3 SCC 47 : 1991 SCC (L&S) 800] which reads : (SCC pp. 50-51)***

'7. It is not correct to say that if a number of vacancies are notified for appointment and adequate number of candidates are found fit, the successful candidates acquire an indefeasible right to be appointed which cannot be legitimately denied. Ordinarily the notification merely amounts to an invitation to qualified candidates to apply for recruitment and on their selection they do not acquire any right to the post. Unless the relevant recruitment rules so indicate, the State is under no legal duty to fill up all or any of the

vacancies. However, it does not mean that the State has the licence of acting in an arbitrary manner. The decision not to fill up the vacancies has to be taken bona fide for appropriate reasons. And if the vacancies or any of them are filled up, the State is bound to respect the comparative merit of the candidates, as reflected at the recruitment test, and no discrimination can be permitted. This correct position has been consistently followed by this Court, and we do not find any discordant note in the decisions in ***State of Haryana v. Subash Chander Marwaha [State of Haryana v. Subash Chander Marwaha, (1974) 3 SCC 220 : 1973 SCC (L&S) 488], Neelima Shangla v. State of Haryana [Neelima Shangla v. State of Haryana, (1986) 4 SCC 268 : 1986 SCC (L&S) 759] or Jatinder Kumar v. State of Punjab [Jatinder Kumar v. State of Punjab, (1985) 1 SCC 122 : 1985 SCC (L&S) 174] .'"***

(emphasis in original)

20. *In the present case, after the name of the respondents appeared in the results declared on 17-7-2015, the process of recruitment was put in abeyance since the results were challenged before the Tribunal. The process of revising the results during the course of the recruitment was necessitated to align it in accordance with law. An Expert Committee was*

specifically appointed following the institution of proceedings before the Tribunal. The report of the Expert Committee established errors in the answer-key, and thereafter a conscious decision was taken, after evaluating the report, to revise the results on 1-2-2016. In the fresh list which was drawn up, both the respondents have admittedly failed to fulfil the cut-off for the OBC category to which they belong. As the learned ASG submitted before the Court, as many as 228 candidates are ranked above Umesh Kumar on merit while 265 candidates stand above Satyendra Singh. The submission of Mr Khurshid that these are the only two candidates before this Court would not entitle them to a direction contrary to law since they had no vested right to appointment.

21. *In regard to respondent Umesh Kumar, it is also brought to our attention that he resigned from the RPF on 16-8-2015 and his resignation was accepted on 25-8-2015. Evidently, the respondent tendered his resignation without any justification when the recruitment process had not been concluded and even before an offer of appointment was made to him. In any event, it would have been open to him to seek re-enlistment in the RPF at the material time which he chose to not do.*

22. *In* ***Rajesh Kumar [Rajesh Kumar v. State of Bihar, (2013) 4 SCC 690 : (2013) 2 SCC (L&S) 359] , T.S. Thakur, J.****, as the learned Chief Justice of India then was, dealt with a case where the model answer-key, and hence the process of evaluation of answer scripts by the Bihar Staff Selection Commission, had been found to be flawed. The Court held : (SCC p. 696, para 15)*

"15. ... The writ petitioners, it is evident, on a plain reading of the writ petition questioned not only the process of evaluation of the answer scripts by the Commission but specifically averred that the "model answer-key" which formed the basis for such evaluation was erroneous. One of the questions that, therefore, fell for consideration by the High Court directly was whether the "model answer-key" was correct. The High Court had aptly referred [Ajay Kumar v. State of Bihar, 2008 SCC OnLine Pat 918 : (2008) 2 PLJR 310] that question to experts in the field who, as already noticed above, found the "model answer-key" to be erroneous in regard to as many as 45 questions out of a total of 100 questions contained in "A" series question paper. Other errors were also found to which we have referred earlier. If the key which was used for evaluating the answer sheets was itself defective the result prepared on the basis of the same could be no different. The Division Bench of the High Court was, therefore, perfectly

justified in holding that the result of the examination insofar as the same pertained to "A" series question paper was vitiated. This was bound to affect the result of the entire examination qua every candidate whether or not he was a party to the proceedings. It also goes without saying that if the result was vitiated by the application of a wrong key, any appointment made on the basis thereof would also be rendered unsustainable. The High Court was, in that view, entitled to mould the relief prayed for in the writ petition and issue directions considered necessary not only to maintain the purity of the selection process but also to ensure that no candidate earned an undeserved advantage over others by application of an erroneous key."

In ***Rajesh Kumar [Rajesh Kumar v. State of Bihar, (2013) 4 SCC 690 : (2013) 2 SCC (L&S) 359]*** *, the Court then refused to oust those individuals from service who did not make the grade after revaluation of the result since they had been in service for nearly seven years. However, in the present case, as we have discussed above, the revised result was declared even before offers of appointment were made to the respondents since the entire process of recruitment had been put in abeyance.*

23. *For the above reasons, we are of the view that the judgments delivered by the Delhi High Court on*

6-12-2018 in ***Umesh Kumarv. State [Umesh Kumar v. State, 2018 SCC OnLine Del 13351] and on 19-12-2018 in Satyendra Singh v. State [Satyendra Singh v. State, 2018 SCC OnLine Del 13353]*** *do not comport with law. The High Court has been manifestly in error in issuing a mandamus to the appellants to appoint the respondents on the post of Constable (Executive) in Delhi Police. The direction was clearly contrary to law. The respondents have participated in the selection process and upon the declaration of the revised result, it has emerged before the Court that they have failed to obtain marks above the cut-off for the OBC category to which they belong. ”*

9. The learned Additional Advocate General pointed out that the respondents had disclosed the key answers as given by the expert and the source material from which the key answers had been determined by the experts. The learned Additional Advocate General stated that the Court cannot substitute itself for an expert to determine whether the key answer as given by the respondents are correct or whether the key answer as given by the petitioner alone is correct.

10. 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. ”

11. I have carefully considered the arguments advanced.

12. 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.

13. 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.

14. The opinion of the experts had been disclosed by the respondents. The petitioner only claims that the answers as projected by him 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 him are correct.

15. The learned 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.

16. 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."*

17. 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."

18. 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..."

19. 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."

20. 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."*

21. 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.

22. 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*.

23. The Hon'ble Supreme Court had further placed reliance on further precedents judgments 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."*

24. 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."*

25. 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."*

26. 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.

27. 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. .....”

28. 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."*

29. 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."*

30. 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."

31. The Hon'ble Supreme Court had stated that such a re-scrutiny of the examination would put the Examination Authority in unenviable position pf coming under scrutiny and not the candidates.

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

33. 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.

34. 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.

35. 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 made. 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.

36. The writ petition is dismissed. No costs. Consequently, W.M.P.No. 8655 of 2025 stands allowed and W.M.P.No. 8657 of 2025 stands closed.

28.03.2025

vsg

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To

1. The Principal Secretary to Government
   The State of Tamil Nadu
   Department of Health and Family Welfare

Secretariat
Chennai – 600 009.

C.V.KARTHIKEYAN, J.

vsg

2. The Member Secretary
The Medical Services Recruitment Board (MRB)
7th Floor, DMS Building
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Chennai -600 006.

3. Tamil Nadu Medical Council
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Pre-Delivery Order made in

W.P.No.7711 of 2025
And
W.M.P.Nos. 8655 & 8657 of 2025