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W.A.Nos.1390, 1392, 1393 and 1409 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 12.04.2023**

CORAM :

**THE HON'BLE MR. JUSTICE R. MAHADEVAN**

**AND**

**THE HON'BLE MR. JUSTICE MOHAMMED SHAFFIQ**

**W.A.Nos.1390, 1392, 1393 and 1409 of 2022**

**and**

**C.M.P.Nos.8956, 8958, 8955, 8963, 8961, 8962,  
9038 and 9039 of 2022**

1.N.Velumani 2.P.A.Harish Prabhu	...	Appellants in W.A.No.1390 of 2022
B.Amutha	...	Appellant in W.A.No.1392 of 2022
A.Gurupandiyan	...	Appellant in W.A.No.1393 of 2022
K.Selva Rama Rathnam	...	Appellant in W.A.No.1409 of 2022

Vs.

- 1.The State of Tamil Nadu,  
Rep. by its Secretary to Government,  
Personnel and A.R. Department,  
Secretariat, Chennai - 600 009.
- 2.The Tamil Nadu Public Service Commission,  
Rep. by its Secretary,  
TNPSC Road, V.O.C. Street,  
Park Town, Chennai - 600 003.



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3. The Controller of Examination,  
The Tamil Nadu Public Service Commission,  
TNPSC Road, V.O.C. Street,  
Park Town, Chennai - 600 003.

... Respondents in all  
Writ Appeals

- 4.R.Arun Karthick
- 5.R.Kavitha
- 6.R.Dhakshyani
- 7.S.Winston Churchill
- 8.E.Anitha
- 9.J.Yogalakshmi
- 10.S.Sekar
- 11.D.Kalaiselvan
- 12.A.Sharmila
- 13.B.Krishnaveni
- 14.A.Siranjeevi
- 15.S.Dhanalakshmi
- 16.S.Gangaraj
- 17.K.Vimalraj
- 18.S.Muthukrishnan
- 19.C.Mahendiran
- 20.R.Manoj
- 21.K.Suryakala

... Respondents 4 to 21 in  
W.A.No.1390 of 2022

- 4.A.Jeeva
- 5.M.Hemanath Pritam
- 6.Kalaiselvan
- 7.S.Logeshwaran
- 8.S.Sivakumar
- 9.M.Sannasi
- 10.A.Atchaya Biria
- 11.M.Chinna Iyappan
- 12.R.Indrani
- 13.R.Saranya
- 14.S.Jabaraji
- 15.P.Sethupathi
- 16.S.Sahanthapriya
- 17.R.Rajesh
- 18.C.Shanthi

... Respondents in 4 to 18 in  
W.A.No.1392 of 2022



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- 4.C.Pratheeswara  
5.C.Tamilselvan  
6.T.S.Adhithyan  
7.K.Keerthy  
8.V.Vigneswar Singh  
9.M.Pradeep Rajan  
10.R.Nithya  
11.X.Sahaya Jerwin Singh  
12.S.Abimanyu  
13.P.Sathyanarayanan  
14.T.Priyadharshini  
15.K.Arun  
16.S.Aaron Vallarasu  
17.S.Vigneshwaran  
18.N.R.Senthilkumar  
19.S.Asharani  
20.N.Theivakani  
21.N.Muthumanicka  
22.M.Kasiraja

... Respondents 4 to 22 in  
W.A.No.1393 of 2022

- 4.P.Swetha  
5.G.Gowri Shankar  
6.Gobi  
7.A.Aswathi

... Respondent 4 to 7 in  
W.A.No.1409 of 2022

Writ Appeals filed under Clause 15 of the Letters Patent, against the order dated 07.04.2022 in W.P.Nos.5840, 5826, 5856 and 8476 of 2021.

For Appellants in  
all Writ Appeals

: Mr.Ramamoorthy  
for Mr.M.Dinesh

For Respondents in  
all Writ Appeals

: Mr.Stalin Abimanyu, AGP for R1  
Mr.P.S.Raman, Senior Counsel  
for Mr.Abrar Md.Abdullah for R2 and R3

\* \* \*



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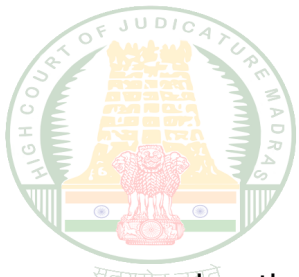
**COMMON JUDGMENT**

WEB COPY (Judgment of the Court was delivered by R. MAHADEVAN, J.)

These writ appeals have been filed by the appellants against the respective orders dated 07.04.2022 passed by the learned Judge in WP.Nos.5840, 5826, 5856 and 8476 of 2021.

2. The writ petitions have been filed by these appellants to call for the records of the respondents relating to key answers published by the third respondent in the second respondent website on 07.01.2021 and quash the same and consequently direct the respondents to revise the answer key and the said list of selected candidates and permit them to write the main examination along with candidates, who have already been found eligible to write the main written examination.

3. Before the Writ Court, considering the arguments advanced on both sides, initially, interim order was passed on 03.03.2022, directing the respondent/TNPSC to permit the writ petitioners, who have reached the cut-off marks in the preliminary examinations, after they have been awarded 1.5 marks for Question No.58, to appear for the main examination, which was to be held on 04.03.2022. Further, the TNPSC was also directed to issue hall tickets to those persons, if possible before 09.00 a.m., on 04.03.2022. However, it was made

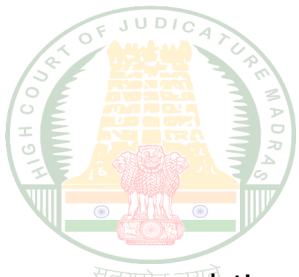


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clear that the said interim order would not apply to the writ petitioners alone, and it has been passed without prejudice to the rights and contentions of the parties and the results in respect of the writ petitioners shall not be published, until further orders.

4. Thereafter, upon considering the status report filed by the second and third respondents as to the action taken, the learned Judge by separate orders dated 07.04.2022, dismissed the writ petitions as nothing survived for further adjudication, in view of the fact that proposed question papers have been referred to the expert person and based on the report of the expert opinion, the TNPSC has permitted the candidates to write examinations, which were held on 04.03.2022, 05.03.2022 and 06.03.2022. However, it was made clear in the said orders that due to urgency, interim order was passed and hence, the same cannot be cited as precedent in future. Challenging the orders so passed in the writ petitions, the present writ appeals have been filed by the appellants / writ petitioners.

5. The main contention of the learned counsel for the appellants that the learned Judge did not consider the perversity in the Expert Committee Report. Adding further, the learned counsel submitted that the appellants have filed Additional Typed Set of Papers Set -I and Set-II, one with respect to Objections



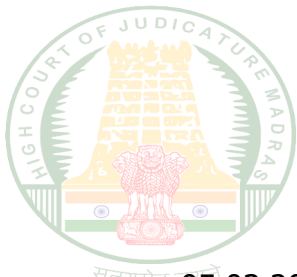
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relating to 24 questions and another with respect to Objections relating to 59 questions, both in respect of Group-I Examination vide Notification No.1 of 2020.

They have also raised other grounds stating that even though disputes have been raised for 33 questions, only one question was stated to be wrong by TNPSC thus leaving the other questions. It is also stated that the tentative answer keys published on 07.01.2021 and the expert answer keys after filing of the cases, published in their website, are contrary to each other; and that, the names and other details of the persons constituting Expert Committee, have not been disclosed. However, the learned Judge has not considered such perversity and ambiguity in the Expert Committee report. The learned counsel for the appellants also relied upon the Division Bench judgment of this Court in W.A.(MD)Nos.1217 and 1218 of 2020 dated 23.12.2020 and submitted that if it is found that the experts' opinion is not correct based on the materials placed, the Court can very well interfere with the same by issuing proper directions to the authorities for redoing the entire process. Therefore, the learned counsel sought to quash the impugned orders.

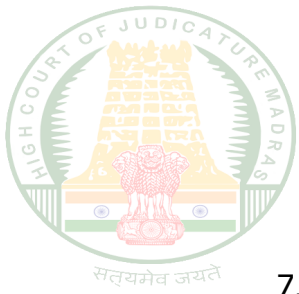
6. Mr.P.S.Raman, learned senior counsel appearing for the respondent / TNPSC, has submitted that proposed question papers have been referred to the expert person and based on the report of the expert opinion, the TNPSC has permitted the candidates to write examinations which were held on 04.03.2022,



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05.03.2022 and 06.03.2022 and now, the matter has reached its finality. Further, the learned senior counsel referred to the judgment of the Hon'ble Supreme Court in the case of ***U.P.Public Service Commission vs. Rahul Singh***, reported in ***(2018) 7 SCC 254***, and submitted that constitutional Courts must exercise great restraint in interfering with key answers provided by Expert Committee and should be reluctant to entertain plea challenging the correctness of key answers and that, the Judges cannot usurp the role of experts in academic matters. It is also submitted that when there are conflicting views, the Court must bow down to opinion of experts and should not overstep its jurisdiction. Referring to the judgment of the Hon'ble Supreme Court in ***Rishal vs. Rajasthan Public Service Commission***, reported in ***(2018) 8 SCC 81***, the learned senior counsel submitted that scope of judicial review is limited in respect of correctness of final key answers uploaded by Commission. He further submitted that though re-evaluation can be directed if rules permit, but practice of re-evaluation and secreting of questions by Courts which lack expertise in academic matters, must be discouraged. For this aspect, the judgment of the Hon'ble Supreme Court in ***Vikesh Kumar Gupta vs. State of Rajasthan***, reported in ***(2021) 2 SCC 309***, has been relied upon. Stating so, the learned senior counsel submitted that the orders of the learned Judge do not call for any interference at the hands of this court.



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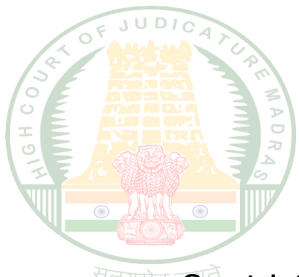
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7. We have heard the learned counsel on either side and perused the materials available on record carefully and meticulously.

8. It is seen that after passing of the interim order in the writ petitions, status report has been presented to this Court by the second and third respondents, in detail. On considering the status report, the learned Judge has observed that proposed question papers have been referred to the expert person and based on the report of the expert opinion, the TNPSC has permitted the candidates to write examinations which were held on 04.03.2022, 05.03.2022 and 06.03.2022 and therefore, nothing survived for further adjudication. Accordingly, the learned Judge dismissed the writ petitions.

9. This Court perused the status report, which would disclose that the TNPSC has taken last minute efforts and has complied with the interim order passed by this Court in a meticulous way. The main contention of the appellants herein is that the perversity in the Expert Committee report was not at all considered by the learned Judge and hence, the impugned orders have to be set aside. Such a contention cannot be countenanced by this court as the scope of judicial review is limited in respect of correctness of final key answers uploaded by Commission. Further, in ***Richal vs. Rajasthan Public Service Commission*** (cited *supra*), relied upon by the learned senior Counsel, even though the Apex





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Court interfered with the selection process only after obtaining the opinion of an expert committee, did not enter into the correctness of the questions and answers by itself.

10. It is also to be noted that very recently, this court passed a judgment in W.A.No.1783 of 2021 on 31.03.2023, wherein the issue relating to scope of interference of the Writ Court in exercise of its jurisdiction under Article 226 of the Constitution of India with the report of an Expert Committee Body in relation to question / answer keys in a Competitive Examination, has been dealt with in detail and finally relying upon the principle laid down by the Hon'ble Supreme Court in ***U.P.Public Service Commission vs. Rahul Singh***, cited supra, the writ appeal was allowed by setting aside the impugned order passed therein.

11. In view of the foregoings, this Court is not inclined to interfere with the orders impugned in these appeals. Accordingly, all these writ appeals are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

[R.M.D,J.] [M.S.Q, J.]  
12.04.2023

rk  
Speaking Order / Non-speaking order  
Internet : Yes.



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Index : Yes/No

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To

- 1.The Secretary to Government,  
Personnel and A.R.Department,  
Government of Tamil Nadu,  
Secretariat, Chennai - 600 009.
- 2.The Secretary,  
The Tamil Nadu Public Service Commission,  
TNPSC Road, V.O.C.Street,  
Park Town, Chennai - 600 003.
- 3.The Controller of Examination,  
The Tamil Nadu Public Service Commission,  
TNPSC Road, V.O.C.Street,  
Park Town, Chennai - 600 003.



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**R. MAHADEVAN, J.**  
**and**  
**MOHAMMED SHAFFIQ, J.**

rk

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**12.04.2023**