
(2010) 08 MAD CK 0196

In the Madras High Court

Case No : Writ Petition No's. 11120, 11121, 11143, 11147, 11206 to 11208, 11267, 11301, 11363, 11373 to 11376, 11378, 11417, 11418, 11452 to 11454, 11455, 11456, 11463, 11467, 11473, 11505, 11506, 11509, 11513 to 11516, 11517, 11518, 11519, 11526, 11550, 11551, 11

S. Sagundala Devi

APPELLANT

Vs

The Teachers Recruitment Board and The Chief Education Officer

RESPONDENT

Date of Decision : 17-08-2010

Acts Referred:

Constitution of India, 1950 — Article 82, 91

Citation : (2010) 08 MAD CK 0196

Hon'ble Judges : V. Ramasubramanian, J

Bench : Single Bench

Advocate : C. Selvaraju, K. Srinivasamurthy, V.R. Rajasekaran, M. Ravi, D. Rajagopal, K. Dhananjayan, S. Paneerselvam, R. Nalliyappan, Veera Kathiravan, A.R. Nixon, S. Senthilnathan, N. Subramani, S. Mani, R. Mubarak Basha, I. Arokiasamy, C. Uma, C. Kulanthaivel, S. Dhiraviya Raj, K. Jayaraman, N. Umapathi, G. Umapathy, R. Sivakumar, Isaac Mohanlal, A. Ilaya Perumal, S. Sivakumar, S. Karthikeyan, S. Kumar, M. Baskaran, S. Saravana Kumar, G. Govindarajan, Balan Haridas, K. Moorthy, E.C. Ramesh, Ebenezar Inbaraj, P.K. Rajesh, Praveen Kumar, S.V. Karthikeyan, V. Suthakar, K. Gandhikumar, C. Johnson, V.G. Suresh Kumar, A. Ramalingam, V.R. Annagandhi, S.M. Thamizhavel, B.R. Ganesan, M. Venkadeshnan, M. Sundharasekaran, S. Kalyanasundaram, P. Madasamy, K. Madhan and R. Venkatesan, for the Appellant; G. Sankaran, Special Government Pleader assisted by K.H. Ravikumar, Government Advocate, for the Respondent

Judgement

V. Ramasubramanian, J.—By a notification published in Advertisement No. 3 dated 13.11.2009, the Teachers Recruitment Board invited applications for filling up 564 posts of Block Resource Teacher Educators for the Block Resource Centres in 32 Districts of the State of Tamil Nadu under the S.S.A. (Sarva Siksha Abigyan) Scheme for 2009-2010. The application Forms were distributed from

30.11.2009 to 14.12.2009 and the last date for submission of filled in application Forms was 14.12.2009. A written competitive examination was fixed for 31.1.2010 and the 564 posts were distributed among various subjects such as Tamil, English, Mathematics, Physics, Chemistry, Botany, Zoology, History and Geography.

2. By a further notification dated 12.2.2010, an additional 500 posts were notified, making the total number of posts for which recruitment was undertaken as 1,064. In view of the second notification, the written competitive examination was actually held on 14.2.2010.

3. As per the notification, the written examination was to be objective type in a single paper of 3 hours duration for 150 marks. Out of this, 110 marks were allotted for the subject chosen by the candidate, 30 marks allotted for Education and 10 marks allotted for General Knowledge. The syllabus for the examination was notified for the benefit of all aspirants.

4. A total number of 1,33,775 candidates applied. The applications of 788 candidates were rejected and 1,32,987 candidates appeared for the written examination. Apart from the 150 marks allotted for the written examination, the notification contemplated provisional weightage marks to be allotted for teaching experience and employment exchange registration number.

5. After the written examination, the answer sheets were valued and a list of candidates (the respondents call it as a provisional tentative list and the petitioners herein call it as a final select list) was released on 1.4.2010. Some of the candidates, who were not successful, filed a batch of writ petitions, seeking revaluation and furnishing of key answers.

6. When the batch of writ petitions came up for hearing, the Teachers Recruitment Board informed the Court that a number of representations had been received from the candidates and that therefore, a Post-Examination Review Board had been constituted. The Teachers Recruitment Board further submitted before this Court that after the receipt of the report of the Post-Examination Review Board, the key answers would also be released. Recording the above submissions, the batch of writ petitions were disposed of by K.Chandru, J., with a direction that after the receipt of the reports of the Post-Examination Review Board, the key answers shall be released.

7. The Post-Examination Review Board analysed the questions and key answers and came to the conclusion that there were no discrepancies in English, Botany and Zoology. But they initially found that though the questions in each subject had been jumbled in 4 different chronological orders, the order in which the key answers were fed into the computer, was not changed. In other words, the question papers in respect of each subject contained the very same questions, but presented in different chronological order, to avoid copying at the examination centres. The same questions had been arranged in 4 different chronological orders. Therefore, the key answers for each pattern of question

paper, should have also been arranged accordingly. But the Board had failed to do that. Moreover, the key answers for a few questions on the subjects Tamil, Mathematics, Physics, Chemistry, History and Geography were found incorrect. Therefore, a Final Verification Board went into the matter and had all the answer papers revalued. Thereafter, a revised tentative provisional list of candidates, declared as successful in the examination, was released in the website on 18.5.2010. The candidates whose names were included therein were invited for certificate verification from 3.6.2010 to 5.6.2010.

8. Finding that their names did not find a place in the list of candidates released on 18.5.2010, some of the candidates whose names were included in the first list released on 1.4.2010, have come up with this batch of writ petitions. The prayer in most of the writ petitions is only for a mandamus to direct the Teachers Recruitment Board to proceed further with the process of selection, in pursuance of the first list released on 1.4.2010 and to ignore the second list dated 18.5.2010. However, some of the petitioners have prayed for a larger relief to direct the respondents to constitute an Expert Committee to examine the question papers, key answers and find out their correctness and thereafter revalue all the answer sheets of all the candidates who participated in the selection.

9. In most of the writ petitions, interim orders have been granted, directing the respondents to keep one post vacant. In some cases, no interim orders have been granted. However, in none of the cases, is there a stay of the further process of selection, such as certificate verification, grant of weightage marks etc. Despite the absence of any interim stay of the further process of selection, the Teachers Recruitment Board froze the further process of selection and came up with counter affidavits and requested for an early hearing to which all the learned Counsel appearing for the petitioners consented. Thus, the writ petitions were heard finally.

10. I have heard Mr. C. Selvaraju, learned Senior Counsel and M/s. V.R. Rajasekaran, K. Srinivasamurthy, M. Ravi, D. Rajagopal, K. Dhananjayan, S. Paneerselvam, R. Nalliyappan, Veera Kathiravan, A.R. Nixon, S. Senthilnathan, N. Subramani, S. Mani, R. Mubarak Basha, I. Arokiasamy, Ms. C. Uma, C. Kulanthaivel, S. Dhiraviya Raj, K. Jayaraman, N. Umapathi, G. Umapathy, R. Sivakumar, Isaac Mohanlal, A. Ilaya Perumal, S. Sivakumar, S. Karthikeyan, S. Kumar, M. Baskaran, S. Saravana Kumar, G. Govindarajan, Balan Haridas, K. Moorthy, E.C. Ramesh, Ebenezar Inbaraj, P.K. Rajesh Praveen Kumar, S.V. Karthikeyan, v. Suthakar, K. Gandhikumar, C. Johnson, V.G. Suresh Kumar, A. Ramalingam, V.R. Annagandhi, S.M. Thamizhavel, B.R. Ganesan, M. Venkadeshan, M. Sundharasekaran, S. Kalyanasundaram, P. Madasamy, K. Madhan and R. Venkatesan and Mr. G. Sankaran, learned Special Government Pleader (Education).

11. At the outset, it must be remembered that the petitioners in all these writ petitions are persons whose names found a place in the first list of selected

candidates released on 1.4.2010, but whose names did not find a place in the revised list released on 18.5.2010. According to the respondents, the first list of candidates contained the names of 1,205 persons and the next list contained the names of 1,002 persons. About 391 persons, whose names were in the first list, are not there in the second list. Therefore, it is obvious that the petitioners are among those 391 persons.

12. Since the petitioners came up immediately after the release of the second list on 18.5.2010, their focus of attack, to begin with, was that the first select list of candidates had been scrapped without any justification and that the respondents are not legally entitled to alter the select list of candidates. Therefore, the immediate response of the Teachers Recruitment Board to the challenge was that the mere inclusion of the names of the petitioners in the first list of candidates did not confer any right upon them. According to the respondents, what was released on 1.4.2010 was only a tentative provisional list of candidates declared successful in the written competitive examination and that to be included in the final list of selected candidates, the petitioners had to pass through several other stages. It is the further contention of the respondents that when persons included in the final list of selected candidates themselves, did not have a right to seek appointment, persons like the petitioners who had just crossed the first lap, cannot claim any right.

13. On principle, I do not think that there can be any dispute about the correctness of the proposition of law raised by the respondents. It is by now well settled that the mere inclusion of the name of a person in the select list of candidates, would not confer a right to appointment.

14. But as seen from the sequence of events narrated above, the petitioners are not seeking appointment. All that they pray, is only to direct the respondents to proceed to the next stage in the process of selection, on the basis of the first list released on 1.4.2010. The grievance of the petitioners is not so much as to a right to appointment, as it is about the dropping of their names from the list of candidates. A person, who is declared successful in a written examination, may not have a right to appointment. But he would have a right to be invited for participating in the next stage of the process of selection, be it interview or certificate verification. It is this right that the petitioners seek to enforce in these writ petitions.

15. Be that as it may, the primary objection of the petitioners that there was no basis or justification for a revaluation of the answer papers and the primary contention of the respondents that the petitioners have no legally enforceable right, actually paled into insignificance, in the course of hearing of these writ petitions, due to the subsequent developments that took place. We shall see in the next paragraph, what these subsequent developments are.

16. On the date on which the arguments in these writ petitions commenced, the learned Special Government Pleader submitted that in order to demonstrate their

transparency, the Teachers Recruitment Board had decided to publish in their website, the question papers and the key answers that were finally adopted by the Post-Examination Review Board and the Verification Board, for finalising the provisional list of selected candidates on 18.5.2010. Accordingly, all the question papers in all subjects and all the key answers were published by the Teachers Recruitment Board in their website.

17. Interestingly, the OMR answer sheets given to the candidates in the examination contained an impressionable yellow copy. By Clause 12 of the Prospectus, the candidates were permitted to take away the yellow copy of the OMR answer sheets. Therefore, all the candidates are now in possession of the yellow copy of the OMR answer sheets and hence they know the answers that they had given to each question.

18. After the Teachers Recruitment Board published in their website, all the question papers and the key answers adopted for revising the list of selected candidates, the petitioners became better equipped with (i) the key answers adopted by the Board and (ii) the answers that they themselves provided. Therefore, after the publication of the key answers, the petitioners filed a set of documents containing the following:

(i) The list of questions for which the key answers adopted by the Board were wrong.

(ii) The list of questions sought to be deleted by the Board on a wrong basis.

(iii) The extracts from the relevant pages of text books, various study materials and internet sources either to prove that the answers written by them were right or to prove that the key answers adopted by the Board were wrong.

19. After examining the materials submitted by the writ petitioners, the Teachers Recruitment Board, in a manner worthy of appreciation, had these materials examined by a team of experts. Thereafter, the Board came up with two kinds of responses viz., (i) accepting the objections of the writ petitioners relating to a few questions and (ii) providing study material to disprove the claims of the petitioners in respect of the other questions.

20. In other words, the Teachers Recruitment Board has, today, conceded the claim of the petitioners in respect of a few of the questions to which the petitioners have taken exception. Therefore, it has become clear that even the revised select list of candidates released on 18.5.2010 will not survive and the Board would have to prepare a fresh list, on the basis of the objections now conceded before Court.

21. In view of the above development that took place in the course of hearing of these writ petitions, two things got cleared viz.:

(i) The primary objection of the writ petitioners that the first select list of candidates released on 1.4.2010 was revised by the Board unjustifiably, cannot

stand. The very fact that even according to the writ petitioners, the select list requires further revision, would go to show that the revision of the first list was perfectly justified. Otherwise, more meritorious candidates would have suffered and the less meritorious succeeded on the basis of wrong valuation. Therefore, it is not without any justification that the Recruitment Board undertook a review through a Post-Examination Review Board and a Final Verification Board. The Teachers Recruitment Board has filed a typed set of papers containing (a) the list of members of the Post-Examination Review Board for each subject, the dates on which the Boards held meetings and finalised the reports and (b) the list of members of the Final Verification Board, the dates on which they held meetings and submitted reports. From what the Board had done before the petitioners came to Court and what the Board had done now after the petitioners submitted their objections in the course of hearing of these writ petitions, it is clear that there was sufficient justification for the Board to carry out a Post-Examination Review.

(ii) Similarly, the objections raised by the Recruitment Board to the maintainability of the writ petitions on the ground that the mere inclusion in the select list would not confer an indefeasible right, would not also hold water anymore, in the wake of the subsequent developments. Once the respondents have agreed to revise even the second select list released on 18.5.2010, on the basis of the questions now conceded before Court, it becomes clear that the objections of the petitioners were well taken. The petitioners may not have a right to seek appointment merely on the basis of the inclusion of their names in the select list. But they certainly have a right to forbear the respondents from replacing the first list by a second list consisting of less meritorious candidates or candidates whose names could not have been included in the revised list, if the respondents had adopted the correct key answers. That the revised list released on 18.5.2010 was prepared on the basis of key answers, some of which are now accepted by the respondents themselves to be wrong, fortifies the stand taken by the petitioners. Therefore, the developments that took place in the course of hearing of these writ petitions, have made it necessary to take this litigation to the next stage, beyond what was just pleaded at the time of filing of these writ petitions.

22. As I have stated earlier, after the Teachers Recruitment Board published in their website, the key answers adopted by the Post-Examination Review Board and the Final Verification Board, the learned Counsel appearing for all the petitioners submitted objections to the deletion of certain questions by the respondents and also challenged the correctness of the key answers to some of the questions.

23. As we have seen earlier, some of the objections raised by the petitioners were conceded by the learned Special Government Pleader (Education) in the course of hearing of these writ petitions. In so far as the objections relating to other questions are concerned, both sides have filed material to support their

respective contentions. While the petitioners have filed extracts of text books to show that the key answers of some of the questions continue to be wrong, the learned Special Government Pleader (Education) has filed material to show that the key answers are correct.

24. While there is no difficulty in accepting whatever has now been conceded by the Recruitment Board, there is considerable difficulty with regard to the contested questions, since the power of the Court to find out which of the answers is right or wrong, is extremely circumscribed. Therefore, before straying into the prohibited area, it is necessary to have a look at the principles laid down by Courts, to find out where the LOC or the line of control actually lies.

25. In one of the earliest cases that the Courts came across, in *Kanpur University and Others Vs. Samir Gupta and Others*, , a three Member Bench of the Supreme Court, held in paras 16 and 17, 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 text-books, which are commonly read by students in U.P. Those text-books 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 text-books. Those text-books 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.

Therefore, it is clear that unless the key answer is established palpably to be wrong, without the Court straining any of its nerves through a process of reasoning or rationalisation, the key answer adopted by the examining body should be presumed to be correct. The Court cannot take the role of a subject expert and pronounce a judgment on which one was the correct answer and which one was not.

26. In *Manish Ujwal and Others Vs. Maharishi Dayanand Saraswati University and Others*, , the Supreme Court followed the ratio laid down in *Kanpur University* and held that "where the key answers are demonstrably erroneous, the student

community, whether appellants or intervenors or even those who did not approach the High Court or the Supreme Court, cannot be made to suffer on account of the errors committed by the University". In paragraph 10 of the said judgment, the Supreme Court reiterated the need for the exercise of care and caution by those responsible for preparation of the key answers.

27. In *Guru Nanak Dev University v. Saumil Garg* (2005) 13 SCC 749, the Supreme Court was confronted with a situation where (i) the key answers to 8 questions were found to be palpably wrong (ii) there was difference of opinion with regard to 2 questions and (iii) 7 questions were found to be plagued by vagueness. The Supreme Court gave the benefit of doubt to the University in respect of 2 questions on which, there was difference of opinion. In respect of 8 questions, whose key answers were found to be wrong, the Court directed revaluation. In respect of 7 questions found to be vague, the Court directed the University to give credit only to those who attempted those questions and not give credit to those who did not attempt these questions.

28. Again in *Man Singh Vs. Commissioner, Garhwal Mandal, Pauri and Others*, , the Supreme Court, held in para 6 as follows:

6. All persons similarly situated under our constitutional scheme are required to be treated equally. Some mistakes were found in the selection list. If those mistakes have been rectified and the irregularities have been removed by preparing the selection list strictly in accordance with rules, no exception thereto can be taken.

29. Keeping the above principles in mind, if we now get back to the issues to be decided, it is seen that the issues can be categorised into 3 types viz., (i) questions for which the Recruitment Board now concedes to have adopted wrong key answers (ii) questions deleted by the Recruitment Board, before the first valuation, questions deleted by the Post-Examination Review Board and questions agreed to be deleted now and (iii) questions in respect of which there is a contest. Now let me take up each of these types of issues, so as to find out the remedial measures to be undertaken.

Questions now conceded:

30. In the course of hearing of these writ petitions, the Teachers Recruitment Board has agreed that the key answers adopted by them in respect of 2 questions in the subject of Chemistry are wrong and that the answers given by the petitioners are right. These questions are as follows:

1) Which of the following has four significant figures

(A) 0.0011

(B) 6.023×10^{23}

(C) 23.200

(D) 3.8×10^{10}

2) What is the enthalpy change for the reaction $\text{H}_2 + \text{I}_2 \rightarrow 2\text{HI}$ if the bond energies of H-H, I-I and H-I are 433, 151 and 299 KJ mol^{-1} respectively.

(A) 28 KJ

(B) -28 KJ

(C) -14 KJ

(D) 14 KJ

The key answers adopted by them were 0.0011 and 14 KJ respectively. Now the Recruitment Board has conceded that the correct answers are 6.023×10^{23} and -14 KJ respectively. Therefore, the answer papers of all candidates who took Chemistry as the subject, has to be revalued now by applying the correct answers to these 2 questions.

DELETED QUESTIONS:

31. In the first instance, even before the first select list of candidates was released on 1.4.2010, the Recruitment Board deleted one question each in the subjects of Tamil, English, Physics, Botany, Zoology and Geography and deleted 2 questions each in Chemistry and History and 3 questions in Mathematics. After the Post-Examination Review Board, the tally of deleted questions actually went up. Therefore, for arriving at the revised list of selected candidates on 18.5.2010, the Board had deleted one question in each of the subjects of English, Physics, Botany, Zoology and Geography, 2 questions in Tamil, 3 questions in History and 5 questions each in Chemistry and Mathematics.

32. Technically, the petitioners are not entitled to challenge the questions deleted even in the first instance, since their names were included in the select list released on 1.4.2010, only after such deletion. But since the questions deleted in the second round and the questions now agreed to be deleted, have the effect of changing the colour of the scenario, I have decided to consider the objections with regard to the deleted questions, irrespective of when the deletion took place.

Questions deleted before 1.4.2010 and after 1.4.2010:

33. Some questions were deleted even in the first instance, before the publication of the first list on 1.4.2010. Some questions were deleted after 1.4.2010 at the instance of the Post-Examination Review Board. The questions so deleted, the reasons for deletion and my conclusion are presented in a tabular column as follows:

Questions Reasons for deletion My conclusion Germany was reunified in the year Since the reunification was completed only Stand taken by TRB is correct, since the (A) 1987 (B) 1989 in 1990, TRB has justified the deletion. unification was completed only in 1990. (C) 1991 (D) 1993

Who was the first Chief Minister TRB accepts that Subbarayalu Reddiyar is Persons who have chosen option (A) should be belonging to the Justice Party the correct answer. But since the name was given marks, since it is not the case of TRB (A) Subburaya Chettiyar given as Subburaya Chettiyar, they that the name was twisted deliberately to (B) Natesan chose to delete it. mislead the candidates. It is only by mistake (C) Bobbili Arasar that "Chettiyar" is mentioned instead of (D) K.V.Reddy Naidu "Reddiyar"

The value of C of Larange"s mean Both parties agree that H5 is the correct The logic that I followed in respect of the value theorem for answer. But option (C) gives + as a prefix previous question cannot be applied to a $f(x)=(x^2-4)?$ in $[2,3]$ is to H5 and hence TRB chose to delete it. mathematical equation. A mathematical equation (A) 2 (B) 3 is to be precise. Therefore, TRB was right. (C) +H5 (D) +H8

Tan 4_ Option (B) would have been correct, but TRB was right in deletion since the correct (A) $4 \tan_ + 4 \tan^2_$ for the fact that the numerator in the answer should contain $\tan^3_$ in the numerator. $1-6 \tan^2_ + \tan^4_$ equation is $4 \tan_ - 4 \tan^3_$. Since there is an inherent mistake in (B) $4 \tan_ - 4 \tan^2_$ option (B), the question had to be deleted. $1-6 \tan^2_ + \tan^4_$

(C) $4 \tan^2_ 1- \tan^4_$

(C) $4 \tan^2_ 1+ \tan^4_$

The acceleration component in The actual formula is v^2/p . TRB is right since "v" alone the normal direction is "v" represents velocity. "r" cannot can represent velocity. (A) v (B) r_ represent velocity. Hence deleted. r (C) r^2 (D) r p

The values of $(-1)^{1/10}$ = The correct answer should contain the TRB is right since the value of "k" value of "k" in 10 digits viz., 0 to 9. should be represented by 10 digits (A) $\cos 2kA + i \sin 2kA$, But in all the 4 answers, it is given ranging from 0 to 9. But all options 10 10 as 1 to 9. Therefore, $1/10$ power does contain only 9 digits ranging $k=1....9$ not get satisfied. Hence all answers from 1 to 9. are wrong. (B) $\cos 2kA + i \sin kA$, 10 10 $k=1....9$

(C) $\cos (K+1)A + i \sin (KH)A$, 10 10 $k=1....9$

(D) $\cos (2K+1)A + i \sin (2k+1)A$, 10 10 $k=1....9$

The mathematical equation for Since the equation for Beer Lambert"s The benefit of doubt should go to TRB Beer-Lambert"s Law is Law will be incomplete without ecl since what is asked is a combination (A) $A=\log I_0/I$ (Epsilon Concentration Length), none of 2 equations viz., Beer ? Lambert"s Law. (B) ? $=\log I_0/I$ of the options is correct. (C) $A=\log I_0/I$ (D) ? $=\log I_0/I$

What is the enthalpy of OH Without giving the enthalpy of Hydrogen The benefit of doubt should go to TRB since ions if the enthalpy of Ion, the enthalpy of formation of OH their explanation is logical. Even among formation of H_2O is -284.5 Ion cannot be calculated. Therefore the the petitioners, there is no

unanimity of KJ Mo1-1 question was deleted. opinion on the correct answer. (A) 341.8 KJ Mo1-1 (B) -227.2 KJ Mo1-1 (C) -57.3 KJ Mo1-1 (D) -34.8 KJ Mo1-1

The compound which gives the On dehydration all alcohols give The contention of the petitioners fail most stable carbo cat ion alkenes. Carbo Cat Ions are formed to take into account the effect of the on dehydration is as intermediaries. But once phrase "on dehydration". Before the (A) (CH₃) CHCH₂OH dehydration complete there will only process of dehydration may be completed, (B) (CH₃)₃COH be alkenes. Hence all options there is scope for formation of carbo (C) CH₃CH₂CH₂CH₂OH are wrong. cations. But after dehydration is complete, (D) CH₃CHOHCH₂CH₃ what remains could only be alkenes.

Observe the molecular structure The correct answer is Protosil. But The benefit of doubt should go to the petitioners below and name the compound since option (D) gives the name since even according to TRB, the correct answer (A) Sulphadiazine Protosil, TRB decided to delete it. is Protosil. There is no compound called Protosil. (B) Sulphapyridine It is not the case of TRB that the spelling mistake (C) Oracil was intended to mislead the candidates. Therefore, (D) Protosil candidates who chose option (D) cannot be penalised.

World Fist Aid day is Admittedly the second Saturday of The stand of TRB is correct. Even the petitioners (A) September 11 September every year is the World admit this. But they contend that in the year 2010, (B) September 12 First Aid Day. Hence it may fall the second Saturday fell on September 11. But the (C) September 10 on different dates every year and question did not relate to any particular year. (D) September 9 so it was deleted. Therefore, the deletion is right.

Questions agreed to be deleted by trb, but found to be not requiring deletion:

34. In the question paper on History, the Recruitment Board had asked the following question with 4 options indicated therein:

The authority of the church was challenged by

- (A) John Wycliffe
- (B) Zwingli
- (C) Martin Luther King
- (D) Calvin

The TRB originally adopted Martin Luther King as the correct answer. However, Martin Luther King belonged to the 20th Century and hence TRB took a stand in the course of hearing that the correct answer would be "Martin Luther" and not "Martin Luther King". Therefore, TRB is prepared to delete this question.

35. However, the petitioners contend that John Wycliffe is the correct answer and hence the question should not be deleted and the marks awarded to those who chose Martin Luther King should be deducted. According to the petitioners, even

Martin Luther came much later than John Wycliffe.

36. The World Book Encyclopaedia, U.S.A., shows that John Wycliffe lived between 1328 and 1384. He is stated to have challenged the Doctrine of Transubstantiation, on which the Clergy's claim to superiority was founded. He declared that the Bible and not the Church was the authority for Christian beliefs.

37. The same Encyclopaedia shows that Martin Luther lived between 1483 and 1546 and was the leader of the Reformation, a religious movement that led to the birth of Protestantism. In 1519, Martin Luther appears to have had a debate with Johann Eck, a Roman Catholic Theologian, in which he denied the Supremacy of the Pope and declared that Church Councils could make mistakes. In 1521, he was excommunicated by Pope Leo X. Charles V, the Emperor of the Roman Empire ordered Luther to appear before a Diet. But he refused and declared:

Unless I am convinced by the testimony of the Scriptures or by clear reason (for I do not trust either in the Pope or in Councils alone, since it is well known that they have often erred and contradicted themselves), I am bound by the Scriptures I have quoted and my conscience is captive to the Word of God. I cannot and I will not retract anything, since it is neither safe nor right to go against conscience. I cannot do otherwise.

38. Therefore, both John Wycliffe and Martin Luther appear to have challenged the authority of the Church. But since the name of "Martin Luther" was wrongly given as "Martin Luther King", candidates who chose John Wycliffe should be taken to have given the correct answer and the stand taken by the TRB that this question should be deleted, does not stand to reason.

39. In the subject of Education, there was a question on "Curriculum Development". The question is as follows:

Which one of the following models is not on curriculum development?

- (A) The Tyler Model
- (B) The Ausubel's Model
- (C) The Taba Model D) The Hunkin's Model.

The Teachers Recruitment Board has adopted the Hunkin's Model as the correct answer, while the petitioners contend that Ausubel's Model is the correct answer.

40. The Teachers Recruitment Board has relied upon the book on "Curriculum Development" by Nagarajan, K. The petitioners have relied upon the course material issued by Indira Gandhi National Open University School of Education, titled "ES-331 Curriculum and Instruction". In the material produced by the petitioners, (i) Tyler Model (ii) Taba Model (iii) Saylor and Alexander Model (iv) Goodlad Model (v) Hunkin's Model and (vi) Miller and Seller Model are listed, as Models of Curriculum Development.

41. Even in the material produced by the Teachers Recruitment Board, (i) Tyler Model (ii) Taba Model (iii) Saylor and Alexander Model (iv) Goodlad Model (v) Hunkin's Model and (vi) Miller and Seller Model are listed as Models of Curriculum Development. Therefore, obviously the key answer adopted by the TRB is wrong. Since the material supplied by both parties do not name Ausubel's Model, it is obviously not a Model on Curriculum Development. Hence persons who had chosen option (B) viz., Ausubel's Model should be awarded marks.

Contested Questions and my conclusion:

Sl. No.

Question

Key answer adopted by TRB

Material supporting the key answer

Correct answer according to the petitioner

Material supporting the answer

My Conclusion

Physics

1

Raman effect is similar to which effect

(A) Tyndall effect

(B) Photoelectric effect

(C) Compton effect

(D) Polarisation effect

(C) Compton Effect

Book titled "Optics and Spectroscopy" by R. Murugesan and another

(A) Tyndall Effect

Tamil Nadu State Board Higher Secondary Text Book Vol.I (Pages 218 to 221)

The stand of TRB is accepted since the book produced by them specifies that Raman Effect is the optical analogue of Compton Effect.

2

At which temperature water has maximum specific heat

(A) 0°C (B) 100°C

(C) 4°C (D) 50°C

(A) 0°C

Book titled "Heat and Thermo-dynamics" by J.B. Rajam and another

(B) 100°C

1) Book titled "University Physics"

2) Internet material

The stand of TRB is accepted since the key answer is arrived on the basis of Calendar and Barnes Method.

3

Which properties are necessary to increase the temperature of the vessel

(A) Low specific heat capacity and thermal conductivity

(B) High thermal conductivity and low specific heat capacity

(C) High specific heat capacity and low thermal conductivity

(D) High Thermal conductivity and specific heat capacity.

(B) High thermal conductivity and low specific heat capacity

Book titled "Heat and Thermo-dynamics" by J.B. Rajam and another

(D) High Thermal conductivity and specific heat capacity.

Book titled "Heat, Thermodynamics and Statistical Physics" by Dr. S.L. Kakani

The stand of TRB is accepted since low specific heat capacity and high thermal conductivity are necessary to increase the temperature of the vessel, as demonstrated by equations.

History

1

The "InquilabZindabad" slogan was given by

(A) Chandra Sekhar Azad

(B) Mohammed Iqbal

(C) Bhagat Singh

(D) Annie Besant

(C) Bhagat Singh

Book titled " India's Struggle for Independence " by Bipan Chandra (pages 247 to 250)

(B) Mohammed Iqbal

Eagle's Eye Super Study Material

The benefit of doubt may go to TRB since in the perception of common man, the slogan is identified with Bhagat Singh. The book produced by TRB supports this.

2

Virupaksha Temple was built by

- (A) Vikramaditya
- (B) Lokamahadevi
- (C) Vikramaditya-II
- (D) Pulikesin-II
- (B) Lokamahadevi

Book titled "Early History of the Deccan" by G. Yazdani (Page No.229)

- (C) Vikramaditya-II

The name of the book not furnished

The benefit of doubt should go to TRB since the standard text book names Lokamahadevi, wife of Vikramaditya-II as the person who built the temple.

3

Child marriage and polygamy were opposed by

- (A) Ramanuja
- (B) Vidyasagar
- (C) Swami Dayanand
- (D) Kabir
- (B) Vidyasagar

Book titled "Modern Indian History" by J.C.Agarwal (Page No.136)

- (C) Swami Dayanand

Tamil Nadu Text Book for X Std Students

The benefit of doubt should go to TRB since Eswar Chandra Vidyasagar started his work even before Swami DayanandSaraswathi.

HISTORY

4

Raja Rammohan Roy founded BrahmoSamaj in the year

- (A) 1828 (B) 1829

(C) 1832 (D) 1834

(A) 1828

Book titled "History of India-Vol.III" by Sathianathaier (Page No.363)

(B) 1829

Tamil Nadu Text Book Society Book for Class VIII Students

The stand of the TRB is acceptable since standard text books give the answer as 1828.

5

Which is the most powerful organ of the UNO

(A) General Council

(B) Security Council

(C) UNESCO

(D) World Bank

(B) Security Council

Book titled "History of Modern European History" by B.V. Rao (Page No.265)

(A) General Council

XII Std Book "European History ? by Sirajudin

The stand of the TRB is acceptable since every member of the Security Council has a power of Veto.

6

The prophet of 19th Century Nationalism was

(A) Melternich

(B) Cavour

(C) Bismarck

(D) Mazzini

(D) Mazzini

Book titled "A History of Europe" by H.A.I. Fischer (Page No.876)

(C) Bismarck

Book by Sirajudin

The stand of the TRB is acceptable since the adjective "Prophetic" is given only to Mazzini in standard books.

7

Who challenged the theory of Divine Right in France?

- (A) Montesquieu
- (B) Voltaire
- (C) Rousseau
- (D) Goodwin

(A) Montesquieu

Book titled "World History" by Srivastava and Majumdar (Page No.147)

(A) Rousseau

Book by Sirajudin

The stand of the TRB is right since standard text books confirm that Montesquieu challenged the theory of Divine Right of the King.

MATHS

1

The function $f(z)=[z]^2$ is

- (A) differentiable at $z=0$
- (B) differentiable at $z\neq 0$
- (C) nowhere differentiable
- (D) not harmonic

(A) differentiable at $z=0$

"Complex Analysis" by S.Arumugam

(A) differentiable at $z=0$

and

(D) not harmonic

Source not indicated

It appears that if Cauchy Riemann equation is applied, option A is correct. If Laplace Equation is applied, option D is correct. Therefore, TRB should award marks for candidates who chose either of the options.

CHEMISTRY

1

Which of the following is NOT correct?

(A) $C_p = C_v + R$

(B) $h_G = h_H - T \Delta S$

(C) $h_S = dq_{rev}$

T

(D) $dH = VdP - TdS$

(D) $dH = VdP - TdS$

Text Book of Physical Chemistry (Page Nos.1.580 and 1.581)

(C) $h_S = dq_{rev}$

T

Principles of Physical Chemistry by Puri and Sharma (Page Nos.514, 558 and 165)

The stand taken by TRB is supported by standard text book.

2

Observe h_H and h_S values of following process and choose which one will not proceed spontaneously

(A) $h_H = \text{Positive}$ $h_S = 0$

(B) $h_H = \text{Negative}$

and $h_S = \text{Negative}$

(C) $h_H = \text{Positive}$

and $h_S = \text{Negative}$

(D) $h_H = \text{Negative}$

and $h_S = \text{Positive}$

(C) $h_H = \text{Positive}$

and $h_S = \text{Negative}$

Text Book of Physical Chemistry (Page Nos.1.572 and 1.573)

Key answer is wrong

Principles of Physical Chemistry by Puri and Sharma (Page Nos.514, 558 and 165)

The explanation given by TRB is acceptable since temperature does not play an important role in determining spontaneity.

3

The decreasing order of stability of the hydrides is

- (A) $\text{PH}_3 > \text{BH}_3 > \text{SbH}_3 > \text{AsH}_3$
 (B) $\text{SbH}_3 > \text{AsH}_3 > \text{BH}_3 > \text{PH}_3$
 (C) $\text{AsH}_3 > \text{PH}_3 > \text{SbH}_3 > \text{BH}_3$
 (D) $\text{PH}_3 > \text{AsH}_3 > \text{SbH}_3 > \text{BH}_3$
 (D) $\text{PH}_3 > \text{AsH}_3 > \text{SbH}_3 > \text{BH}_3$

CBSE Text Book for Class XII (Page No.168)

- (B) $\text{SbH}_3 > \text{AsH}_3 > \text{BH}_3 > \text{PH}_3$

Inorganic Chemistry by J.D.Lee (Page No.251)

The stand of the TRB is correct since it is in tune with the Periodic Table and melting point cannot determine stability.

4

Electrophilic addition reaction of

CH_3

|

$\text{H}_3\text{C}-\text{CH}=\text{CH}-\text{C}-\text{CH}_3$

|

CH_3

with HBr gives only

CH_3

|

$\text{H}_3\text{C}-\text{CH}-\text{CH}-\text{C}-\text{CH}_3$

| | |

Br H CH_3

This is because of

- (A) Inductive effect
 (B) Resonance effect
 (C) Steric effect
 (D) Hyper conjugation effect
 (D) Hyper conjugation effect

Advanced Organic Chemistry (Page Nos.80 to 85)

Given answer is not related to the question

Text Book of Organic Chemistry by B.S.Bahal (Page No.120)

The stand taken by TRB is correct since it is supported by reasoning.

5

The set that will form a buffer when dissolved in water to make 1 Litre of solution is

- (A) 0.2 mole of NaOH and 0.2 mole of HCl
- (B) 0.2 mole of NaCl and 0.2 mole of HNO₃
- (C) 0.4 mole of CH₃COOH and 0.4 mole of NaOH
- (D) 0.4 mole of NH₃ and 0.2 mole of HCl
- (D) 0.4 mole of NH₃ and 0.2 mole of HCl

Advanced Chemistry by Philip Matthews (Page No.451)

- (C) 0.4 mole of CH₃COOH and 0.4 mole of NaOH

Text Book of Organic Chemistry by P.L. Soni and H.M. Chawla

The stand of TRB is correct since buffer solution is one that sustains acidity/basicity. Option D gives Ammonium Chloride and hence it is correct.

6

In (a formulae)

electrophilic substitution occurs at

- (A) Ortho/para of the first ring
- (B) Ortho/para of second ring
- (C) Meta at first ring
- (D) Meta at second ring
- (B) Ortho/para of second ring

Advanced Organic Chemistry by Philip Matthews (Page Nos.80 to 83)

- (C) Meta at first ring

Tamil Nadu Text Book Corporation Book on Chemistry

Explanation given by TRB is acceptable since option C refers only to 1 benzene ring.

EDUCATION

1

Which one of the following is not a cause for forgetting

- (A) When something learned and not used repeatedly
- (B) Interference with present learning
- (C) Lack of reorganisation of the learning materials
- (D) Learning on the basis of short term remembrance
- (C) Lack of reorganisation of the learning materials

1) Understanding Educational Psychology by Dr. M. Manivannan (Page Nos.161, 162, 173 & 174)

2) Educational Psychology by K. Nagarajan (Page Nos.188 & 189)

- (D) Learning on the basis of short term remembrance

Educational Psychology by Prof. K. Nagarajan

The benefit of doubt may go to the TRB since their explanation seems acceptable and the role of the Court is limited.

2

The emphasis of National Board for Adult Education on Curriculum is that it must be

- (A) Need based
- (B) Functional
- (C) Job-oriented
- (D) Production-oriented
- (A) Need based

M.Ed., Course material on "Current Trends in Indian Education and Educational Administration Package-17 (Page No.59)

- (B) Functional

Website material from National Board of Adult Education.

The contention of the petitioners hinge upon the words "functional literacy" and the like in a few source materials. But according to TRB, it is need based as per the question paper set up by Madurai Kamaraj University. Hence the same has to be accepted.

3

The Southern Regional Office of UGC is in

- (A) Hyderabad

(B) Bangalore

(C) Chennai

(D) Mumbai

(A) Hyderabad

Source not indicated

(B) Bangalore

Website source

Admittedly, there is no Southern Regional Office for UGC. They have South Western Regional Office in Bangalore and South Eastern Office in Hyderabad. Therefore, the key answer is wrong and persons who gave Bangalore or Hyderabad should all be given marks.

4

When the reason for acting is in the action, motivation is said to be

(A) extrinsic

(B) intrinsic

(C) extrinsic and intrinsic

(D) none of these

(B) intrinsic

1) Educational Psychology by K. Nagarajan (Page No.221)

2) Philosophical and Sociological Foundations of Education and Philosophy (Page Nos.51 & 52)

3) Book titled "An Introduction to Educational Psychology" by Dr. S. Robinson (Page No.116)

(C) extrinsic and intrinsic

Educational Psychology by Meenakshi Sundaram

The explanation given by TRB is acceptable since the question is on the type of motivation.

5

Which one is not an S-R Theory with reinforcement

(A) E.L. Thorndike's Theory

(B) Hull's Theory

(C) B.F. Skinner's Theory

(D) Tolman's Theory of learning

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(B) Hull's Theory

(D) Tolman's Theory of learning

-

TRB answer is right as it is supported by material.

6

Multi-factor theory of Intelligence was developed by

(A) Charles Spearman

(B) E.L. Thorndike

(C) L.L. Thurstone

(D) Dr.J.P.Guilford

(B) E.L. Thorndike

1)Educational Psychology by K. Nagarajan (Page No.240)

2)Understanding Educational Psychology by Dr. M. Manivannan {Page No.183(III) & (IV)}

L.L. Thurstone

-

TRB's answer is supported by standard text books.

7

Which of the following first identified the Secondary Education as a weak link and suggested improvement

(A) The Tarachand Committee (1948)

(B) The Secondary Education Commission (1954)

(C) The University Education Commission (1949)

(D) The Education Committee (1966)

(C) The University Education Commission (1949)

1) Curriculum Construction B.Ed., E.B.1 (Page Nos.34 & 35) 2) Directorate of

Correspondence Course and Continuing Education Lessons 11 to 14.

3) M.Ed. Course material on "Current Trends in Indian Education and Educational Administration

(B) The Secondary Education Commission (1954)

Book titled "Social Science" for Class VIII Students

The material produced by TRB is satisfactory to support the key answer.

GENERAL KNOWLEDGE

1

Which one of the following is not a cause for forgetting

(A) When something learned and not used repeatedly

(B) Interference with present learning

(C) Lack of reorganisation of the learning materials

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2) Educational Psychology by Santhanam (Page No.289)

(B) Hull's Theory

(D) Tolman's Theory of learning

-

TRB answer is right as it is supported by material.

Foot note:

Interestingly, in an additional typed set of papers filed by Mr. M. Venkadeshan, learned Counsel for the petitioner in W.P. No. 12692 of 2010, he has filed an information culled out from the website "<http://jagatsinghpur.nic.in/paradeep/paradeep.html>", the information reads as follows:

Natural Port harbor should have tranquility without an artificial protection and without any artificial deepening.

Therefore in this regard it may be noted that paradip port has been artificially deepened with protection of two breakwaters.

Therefore, the choice of Chennai is more appropriate and the benefit of doubt should go to TRB.

42. The results of my analysis can be summarised as follows:

Sl.

No.

Category

subject

Action to be taken

1

Questions now conceded by TRB

Chemistry

All answer sheets of those who took the subject of Chemistry has to be revalued by applying the correct key answers, to the following 2 questions:

1) Which of the following has four significant figures

(A) 0.0011 (B) 6.023×10^{23}

(C) 23.200 (D) 3.8×10^{10}

2) What is the enthalpy change for the reaction $\text{H}_2 + \text{I}_2 \rightarrow 2\text{HI}$ if the bond energies of H-H, I-I and H-I are 433, 151 and 299 KJ mol^{-1} respectively.

(A) 28 KJ (B) -28 KJ (C) -14 KJ (D) 14 KJ

2

Questions wrongly deleted by TRB

History

Chemistry

Education

1) All those who gave the name SubburayaChettiyar as the first Chief Minister belonging to Justice Party should be given the marks.

2) All those who chose John Wycliffe as the person who challenged the authority of the Church, should be given marks. Persons who chose Martin Luther King should lose the marks if already awarded.

All those who gave Protosil as the name of the compound in relation to the molecular structure given in the question should be awarded marks.

Persons who chose Ausubel's Model as the one which was not on curriculum development, should be given marks. Persons who chose the Hunkin's Model should lose marks.

3

Contested questions

Maths

Education

For the question "The function $f(z)=[z]^2$ is

- (A) differentiable at $z=0$
- (B) differentiable at $z=0$
- (C) nowhere differentiable
- (D) not harmonic"

TRB should award marks for candidates who chose either of the two options (A) or (D) since even according to them, different equations will bring both results..

For the question about the location of Southern Regional Office of UGC, persons who chose Bangalore or Hyderabad should both be given marks, since they have South Western Regional Office in Bangalore and South Eastern Office in Hyderabad. Therefore, the key answer is wrong.

43. Apart from disputing the decision of the Teachers Recruitment Board to delete a few questions and apart from challenging the correctness of the key answers to a few questions, a few ancillary issues were also raised by a few counsel. Particularly, Mr. V.R. Rajasekaran, learned Counsel submitted that the revised list of candidates released by the Board on 18.5.2010 did not tally with the distribution of vacancies as per the communal roster. But this objection may not survive any longer in view of the fact that the second list which is under challenge in these writ petitions has to now undergo a revision in view of what is stated in the preceding paragraphs.

44. Mr. K. Srinivasamoorthy, learned Counsel for the petitioner submitted that his clients resigned their jobs, after finding their names in the first list of candidates and that therefore, the candidates who are wronged on account of wrong key answers or wrong revaluation should be compensated, as held by the Supreme Court in Pankaj Sharma Vs. State of Jammu and Kashmir and Others, . But unfortunately for the petitioners this submission cannot be accepted in view of the fact that merely on the basis of inclusion of their names in the select list of candidates (whether you call them tentative or final), they ought not to have resigned their jobs. In the decision relied upon by the learned Counsel, the Supreme Court upheld the order of the High Court which directed the University to pay costs of Rs. 10,000/- to each of the writ petitioners. But in the case on hand, the respondents who originally opposed the writ petitions on technical grounds, later agreed to pass the test of fire, by accepting the challenge posed by the petitioners to many of the questions in all the subjects. Thereafter the respondents also conceded the mistakes in respect of some questions and agreed for a further revision of the select list of candidates. Therefore, I do not propose to impose costs.

45. In fine, all the writ petitions are disposed of, directing the Teachers Recruitment Board to revalue all the answer sheets of not only the petitioners

before Court, but of all candidates who wrote the examination. The revaluation shall be on the following basis:

(A) In the subject of Chemistry:

All answer sheets of those who took the subject of Chemistry has to be revalued by applying the correct key answers, to the following questions:

1) Which of the following has four significant figures

(A) 0.0011 (B) 6.023×10^{23}

(C) 23.200 (D) 3.8×10^{10}

2) What is the enthalpy change for the reaction $\text{H}_2 + \text{I}_2 \rightarrow 2\text{HI}$ if the bond energies of H-H, I-I and H-I are 433, 151 and 299 KJ mol^{-1} respectively.

(A) 28 KJ (B) -28 KJ (C) -14 KJ (D) 14 KJ

3) All those who gave Protosil as the name of the compound in relation to the molecular structure given in the question should be awarded marks.

B) In the subject of History:

1) All those who chose the option Subburaya Chettiyar as the first Chief Minister belonging to Justice Party should be given the marks.

2) All those who chose John Wycliffe as the person who challenged the authority of the Church, should be given marks. Persons who chose Martin Luther King should lose the marks if already awarded.

C) In the subject of Education:

1) Persons who chose Ausubel's Model as the one which was not on curriculum development, should be given marks. Persons who chose the Hunkin's Model should lose marks.

2) For the question about the location of Southern Regional Office of UGC, persons who chose Bangalore or Hyderabad should both be given marks, since they have South Western Regional Office in Bangalore and South Eastern Office in Hyderabad. Therefore, the key answer is wrong.

D) In the subject of Mathematics:

TRB should award marks for candidates who chose either of the two options (A) or (D) for the question

The function $f(z) = [z]^2$ is

(A) differentiable at $z = 0$

(B) differentiable at $z=0$

(C) nowhere differentiable

(D) not harmonic

The revaluation as above shall be carried out and the final list of candidates selected for participation in the next stage of the selection process shall be released by the Teachers Recruitment Board, within 2 weeks from the date of receipt of a copy of this order.

46. All the writ petitions are disposed of with the above directions. There will be no order as to costs. Consequently connected miscellaneous petitions are closed.