

**THE HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 57 OF 2015

Dr, Anup Kumar Laha,
S/o Lt. Kuroram Laha,
R/o New Capital Complex,
Type-IV/F/1, P.O. Kunjaban,
P.S. New Capital Complex,
District- West Tripura.

.... **Petitioner.**

- Vrs -

1. The State of Tripura,
Represented by its Secretary to the
Department of Health and Family Welfare,
Government of Tripura, P.O. Kunjaban,
P.S. New Capital Complex,
District-West Tripura.

2. The Director of Medical Education,
Government of Tripura,
P.O. Kunjaban,
P.S. New Capital Complex,
District-West Tripura.

.... **Respondents.**

**BEFORE
HON'BLE THE CHIEF JUSTICE MR. DEEPAK GUPTA
HON'BLE MR. JUSTICE S.C. DAS**

For the Petitioner	: Mr. A. Bhowmik, Advocate.
For the respondents	: Mr. S. Chakraborty, Addl. G.A.
Date of hearing & Delivery of judgment and order.	: 25.02.2015.
Whether fit for Reporting	: NO

JUDGMENT & ORDER (ORAL)

(Deepak Gupta, C.J.)

The petitioner is an in service doctor who applied for admission to the Post Graduate Courses in the Agartala Medical College as a sponsored candidate i.e. in service candidate. The respondent, Directorate of Medical Education issued an information

booklet relating to Regulation for Admission to Post Graduate Degree Courses in Modern Medicine and the written test was to be conducted as per this booklet. The question cum answer sheet is a multiple choice question and answer sheet and Para 6 of the General Instructions and Procedural Directives, reads as follows:-

“6. Multiple Choice Answering Method through Optical Mark Recognition (OMR)

- I) The test will be objective in nature and for each question 4 suggestive answers will be given of which ONLY ONE ANSWER WILL BE CONSIDERED AS BEST RESPONSE.(In paragraph 3.3 details in this regard given).*
- II) The Answer Sheet will be machine scored and therefore require specific procedure to be followed as given below:*

The Answer will be marked only by Blue/Black ball-pen. No other pen/pencil are allowed. The method of marking Answer is indicated below:

- Each question will be followed by answer marked as (a, b, c or d). Select the most appropriate answer then, using **Blue/Black ball pen**, blacken the circle bearing the correct answer index against the serial number of the question on the answer sheet completely.*
- Please be noted that the mark should be dark enough and the circle should be filled in as completely as possible. There is no need to make special effort to darken any circle artistically.”*

2. The grievance of the petitioner is that though it was clearly stated that the answer sheets would be corrected by using the Optical Mark Recognition (OMR) process which essentially means that they would be marked by computer without human intervention, but actually the department has not followed the system and the petitioner suspected that his papers may have been

changed or the papers of those selected candidates may have been interpolated.

3. The petition came up before us on 18.02.2015 when we had directed the records to be produced before us today and had also directed that affidavit be filed. Reply affidavit has been filed and in the said affidavit it is stated that the Directorate was expecting much larger number of applications. Since the number of applications was very low, only about 156 in both the categories i.e. sponsored and open, the Committee decided to get the papers manually examined. The answer sheets have been produced before us and we have carefully gone through the same. We have also shown the answer scripts of the petitioner to the petitioner. Learned counsel for the petitioner was also permitted to verify the answer scripts of the petitioner in comparison to the key answer sheet and no error has been pointed out.

4. We ourselves have gone through a large number of the papers and we do not find any overwriting or encircling of more than one answer in a large number of answer sheets to indicate that there was any untoward activity while checking the answer scripts. It would have been better if the answers sheets were checked through computer as initially proposed, but once we are satisfied that no wrong has been committed while checking the answer scripts through the manual process, we find no reason to interfere in the process of examination and therefore, find no merit in the petition.

5. However, we would like to give some directions for the future to ensure that no doubt arises in the mind of any candidate.

6. It is for the Directorate or the Body conducting the examination to decide what should be the system of examination? How the examination should be conducted and how the answer sheets should be checked is for the Body to decide. However, once it is held out to the candidates that a particular process is to be followed then, unless there are very compelling circumstances, that system which has been set out in the prospectus or the information booklet, only should be followed and no other system should be brought in.

7. OMR is by now accepted to be a well established system of checking answer sheets especially those where the questions are multiple choice questions. This obviates any human error or intervention. Where large number of answer sheets are involved, this is the only proper system to which can be followed. We see no reason why this system cannot be followed where the number of answer scripts is small. The OMR recognition method works equally well whether there are 100 answer scripts or one lakh answer scripts.

8. Therefore, we direct that in future in all cases where the examination is based on multiple choice questions, the authorities must get the answer sheets checked through the OMR method. If due to any compelling reasons, OMR system cannot be followed then the department must ensure that the name of the candidate and his roll number is not available to the person(s) checking the answer sheets. That portion of the answer sheets should either be blocked out or cut out and the examiner should only examine the

answer sheet on the basis of a code number totally unrelated to the roll number of a candidate.

9. In the present case, though we have not interfered in the process of examination because we could ourselves go through the answer sheets since the number was small, in case the number had been large we may have been inclined to interfere in the examination process itself because we find that the name of the candidate, his category, his roll number, etc. is known to the examiner. True it is, that normally in a MCQ type questions, the examiner has a limited role but if the candidate is known to the examiner and the candidate has left certain answers blank, the examiner can always fill up certain answers to add one or two marks which can make a vital difference. As far as the present case is concerned, since it was an entrance examination to the post graduate stage and all the candidates are doctors, we expect and actually find that almost all the answers have been answered in virtually all the answer scripts and therefore, there was not much chance of interpolation at any level.

10. Be that as it may, for future we make it clear that if our directions, as given hereinabove are not followed, then we will not hesitate to interfere with and cancel the entire selection process not only in the field of medicine but in any other entrance examination conducted by the State of Tripura.

11. A copy of the judgment shall be sent to the Chief Secretary to the State of Tripura to ensure that this judgment is followed in letter and spirit throughout the State of Tripura.

12. The records which have been received be returned to the learned Addl. G.A.

13. The writ petition accordingly stands dismissed.

JUDGE

CHIEF JUSTICE