

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CWP No.15575 of 2014 (O&M)
Decided on : 10.09.2015**

Smt. Dinesh Sharma

... Petitioner

Versus

State of Haryana and another

... Respondents

CORAM : HON'BLE MR.JUSTICE G.S. SANDHAWALIA

Present : Mr. Ashok Kaushik, Advocate
for the petitioner.

Mr. Saurabh Girdhar, AAG, Haryana
for respondent No.1.

Mr. D.K. Khanna, Advocate
for respondent No.2.

G.S. Sandhawalia , J. (Oral)

CM-11858-CWP-2015

Application for placing on record Annexure P-3 and P-4
is allowed, subject to all just exceptions.

CM stands disposed of.

CWP No.15575 of 2014

The challenge in the present writ petition is for quashing the answer key of question paper of Haryana Teacher Eligibility Test (HTET) for the year 2013-14 on account of the wrong answers of questions No.80 and 90 of subject Hindi.

The case of the petitioner is that the answer for the said questions were wrong and, therefore, she filed a

representation on 10.03.2014 (Annexure P-2) to the respondents for consideration. The translated version of the said questions and answers read as under:-

“80. Out of these word which is Smass of Bhahubrihi.

1) Choraha 2) Panseri

3) Satabdi 4) Panjab

XXXXXXXXXXXXXXXXXXXXXXXXXXXX

90. Out of these Varan which is the Sparse Shangharsi.

1) Jh 2) Sh

3) Tai 4) Hai”

The defence of the respondents is that the prior to the declaration of the result the answer of all questions put in the keys of Level-II (TGT) Category were got analyzed by the Committee of Subject Experts constituted by the Board. The Committee constituted of HOD/Associate Professors of Colleges/Universities. Resultantly, the result was declared on 20.02.2014.

A public notice was also got published that if any candidate has found any discrepancy, he should send the complaint with full facts. The petitioner had not sent any representation within time, but other candidates had sent representations for the correctness of the said questions and the petitioner's representation was received only on 14.03.2014. The said questions were got re-analyzed and no discrepancy was found by two different Committees of subject experts or professors. The petitioner was also informed about the findings of the second

Committee vide letter dated 06.05.2014.

A legal question thus arises whether this Court can substitute the opinion of the experts or not. Above noted facts would go on to show that exercise was done by the respondents and a effort was made to redress the grievance of the candidate and a decision was taken that the answers were correct.

The legal issue has already been decided by the Division Bench of this Court in ***LPA No. 1956 of 2012*** titled as ***'Sameer Khurana and others Vs. Board of School Education Haryana and others'*** decided on 16.01.2013 of which the undersigned was a Member. While upholding the judgment of the learned Single Judge, it was noticed that the Courts have very limited academic expertise and cannot sit in appeal over the decision of the experts.

*Reference was made to the judgment of Apex Court in ***Himachal Pradesh Public Service Commission Vs. Mukesh Thakur and another***, (2010) 6 SCC 759 and ***Basavaiah (Dr.) Vs. Dr. H.L. Ramesh & others*** 2010 (4) RSJ 154, wherein it has been held that until there was malafide alleged, no interference by the Court is called for. The relevant paragraph reads as under:-*

"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.”

Keeping in view the above settled position of law, this Court feels that it is not appropriate for it to substitute the opinion of experts.

Accordingly, finding no merit in the present writ petition, the same is dismissed.

SEPTEMBER 10, 2015
Naveen

(G.S. SANDHAWALIA)
JUDGE