

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

LPA No.947 of 2015(O&M)

Date of decision:6.7.2015

Abhinav Rishi

....Petitioner

VERSUS

Union of India and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE HEMANT GUPTA

HON'BLE MRS. JUSTICE LISA GILL

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr. Aakash Singla, Advocate for the appellant.

HEMANT GUPTA, J.(Oral)

The present Letters Patent Appeal under Clause X of the Letters Patent is directed against an order passed by learned Single Bench of this Court on 17.06.2015 whereby the writ petition filed by the appellant challenging the result of Common Entrance Test for admission to post-graduate courses in law was dismissed.

The result of the Common Entrance Test based upon multiple choice questions was announced on 20.05.2015 and the answer key was made public on 01.06.2015. The appellant is said to have represented regarding incorrect answer key of fifteen questions. Similar objections were filed by some other students. The University conducting the test, appointed a Committee to re-examine the answer keys and after examining the same, corrected six answer keys.

The grievance of the appellant is that he participated in the Common Entrance Test for the purposes of securing job in the Public Sector Undertakings and not for admission to the post-graduate courses. It is contended that the appellant is higher in merit than the last candidate admitted in the National Law School of India University, Bangalore. Therefore, the finding recorded by learned Single Bench that the appellant could not get admission in the College of his choice, therefore, disputed the process of law is misconceived.

We have heard learned counsel for the appellant and find no merit in the present appeal. The question as to whether answer key is correct or not falls within the exclusive domain of the experts. The Committee of the Experts appointed by the University after making the answer key public has corrected six answer keys. The opinion of the Committee of Experts is final. This Court in exercise of power of judicial review cannot sit as a Court of Appeal over the report of Committee of Experts.

Such is the view taken by a Division Bench of this Court in CWP No.2117 of 2015 titled Ankita Mittal v. State of Haryana and others, decided on 09.02.2015, in which one of us (Hemant Gupta J.) was a member wherein it was held to the following effect:-

“In respect of deletion of five questions, we find as to whether a particular answer to a particular question is ambiguous or not or warrants any clarification is a decision which is required to be taken by experts on the basis of various inputs received by them. Once it has been decided to delete five questions, the deletion is applicable across all candidates. The result is that instead of 125 questions the candidates have been marked out of 120 questions. Thus, it cannot be said that the petitioner has suffered any prejudice since all candidates have been treated at par. We also do not find

any merit in the argument raised that the examining body was not competent to delete any question. The preliminary examination is a short-listing examination for the candidates. The process of examination has been applied uniformly to all the candidates. If it has been found that five questions are such which have multiple answers or the frame of the questions is not clear, the same could very well be deleted. The consequences of deletion is that all candidates whether they have attempted such questions or not or attempted such questions rightly or wrongly are treated at par as no credit or discredit is given to any candidate of such questions. The decision to delete a question lies in the wisdom of the experts who in the process of finalization of the answer key have decided to delete such questions. It is not necessary that there should be a condition in the advertisement itself that an objective type question can be deleted by the examining body in the process of finalization of the answer key.”

In view of the limitations in exercise of powers of judicial review, we do not find that the report of the Committee of Experts can be permitted to be disputed in the writ petition at the instance of a candidate.

For the reasons mentioned in Ankita Mittal's case (supra), we do not find any merit in the present Letters Patent Appeal and the same is thus dismissed.

(HEMANT GUPTA)
JUDGE

JULY 6, 2015
'D. Gulati'

(LISA GILL)
JUDGE