

THE HIGH COURT OF DELHI AT NEW DELHI

% Judgment delivered on: 22.01.2015

+ **W.P.(C) 9088/2014 & CM No. 20731/2014**

VISHAL SINGH

..... Petitioner

versus

UNION OF INDIA & ORS

..... Respondents

Advocates who appeared in this case:

For the Petitioner : Mr P.K. Singh and Mr Neeraj Srivastava.

For the Respondents : Mr Akshay Makhija, CGSC with Ms Mahima Bahl and Mr Rohitendra for R-1 (UOI).

Mr Anil Soni (Standing Counsel for AICTE) with Mr. T. Singhdev, Mr Manan Khera and Mr Naginder Benipal for R-2.

Ms Manisha Singh with Mr Amit Bansal for R-3 & 4.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

JUDGMENT

VIBHU BAKHRU, J (ORAL)

1. The petitioner has filed the present petition, *inter alia*, praying that the respondents reconsider the petitioner's placement in the order of ranks with respect to the Joint Entrance Examination (hereafter the 'JEE') declared by the Central Board of Secondary Education (hereafter 'CBSE').

2. CBSE conducts the JEE; the JEE scores are determined on the basis of the marks obtained by a student in the JEE and the qualifying Board examination (i.e. XII Standard). The JEE scores obtained by students form the basis of declaring the order of merit, which in turn is used for admitting

students in various colleges.

3. Essentially, the petitioner is aggrieved by the formula/system adopted by CBSE for awarding the JEE scores.

4. The petitioner was awarded 130 marks in the JEE conducted in the year 2014 and had scored 414 marks out of 500 in his Board Examination conducted by the Board of High School and Intermediate Education, Uttar Pradesh (hereafter the 'qualifying examination') in the year 2013. This translated to a JEE Score of 121.93 points and based on this score the petitioner was ranked as under:

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	B.E./B.Tech	
	Overall Rank	Category Rank
ALL INDIA	76538	52643
STATE	9363	6165

”

5. The petitioner contends that the formula adopted for awarding the JEE scores is unreasonable and arbitrary as another student (Bajrang Prasad) has been awarded a JEE score of 129.76 even though the marks obtained by him in the JEE and the qualifying examination – which in this case is the XIIth Std. examination for the year 2012, conducted by the Board of High School and Intermediate Education, Uttar Pradesh - are less than the petitioner; Bajrang Prasad had obtained 112 marks in the JEE (2014) and had scored 398/500 marks in the qualifying examination (2012). Although in absolute figures these marks were less than the marks obtained by the petitioner, the same had translated to a JEE score of 129.76 points. And, Bajrang Prasad has been ranked as under:

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	B.E./B.Tech	
	Overall Rank	Category Rank
ALL INDIA	61888	43263
STATE	7302	4923

”

6. It is urged on behalf of the petitioner that this indicates that the system/formula of scoring was faulty.

7. The learned counsel appearing for the CBSE points out that petitioner is comparing his marks with the marks of Bajrang Prasad who had appeared for the board examination in the previous year. Thus, although the marks obtained by Bajrang Prasad in the qualifying examination were less than the petitioner, he was awarded a higher JEE score because his percentile rank was higher for the year 2012 (i.e the year in which he had taken his qualifying examination)

8. The system adopted by the respondents for awarding the JEE score is to provide 40% weightage to the qualifying examination and 60% weightage to the marks obtained in the JEE. For the purpose of calculating the 40% weightage of the qualifying examination, a formula for normalisation is applied, which is based on the student's percentile position in the qualifying examination. As an illustration, a student who tops his qualifying examination by obtaining 60% marks and another student who tops his qualifying examination (which is conducted by another Board or in another year) by obtaining 90% marks, both the toppers would be equated as having scored 100 percentile.

9. This system of scoring students on percentile values was disclosed in the brochure for the JEE. And, the petitioner had appeared in the JEE being

fully aware of the system of scoring. Further this system/formula of awarding JEE points cannot be interfered with unless the same is found to be arbitrary or perverse. In my view, no such finding is warranted.

10. The process of normalising on the basis of percentile scores cannot be stated to be wholly arbitrary or without any basis. This system had been adopted to ensure that the variation in the method of marking between different boards or between different years of the same board examination are evened out. It is common knowledge that the evaluation system of some state boards is stricter than others and this translates to students generally scoring less in some State Board examinations in comparison to others. Further the system of marking may differ from year to year. The standard of examination papers may also differ between examination conducted by different boards and/or from year to year. Thus, CBSE has adopted a statistical tool to translate the marks into percentile scores based on the relative order of merit of a student amongst his peers who had appeared in the same qualifying examination.

11. Although the formula and/or the method adopted by CBSE for determining the JEE scores may not be the best solution, yet the same cannot be interfered with in these proceedings. It is well settled that this court will not supplant its opinion with the opinion of the concerned authority. The scope of judicial review is limited and this court would interfere only in cases where the decision of the concerned authorities and/or the policy adopted is arbitrary, unreasonable, capricious or perverse. I find no perversity in using the statistical tools/methods for determining the weighted score of students, as has been done in the case of the JEE.

12. In the circumstances, no relief can be granted to the petitioner. Accordingly, the petition and the application are dismissed.

VIBHU BAKHRU, J

JANUARY 22, 2015

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