

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. **LPA No.574 of 2016 (O&M)**
In CWP No.204 of 2016

Gurjit Singh and others -----Appellants

Versus

State of Punjab and others -----Respondents

2. **LPA No.575 of 2016 (O&M)**
In CWP No.2478 of 2016

Kuldeep Kaur and others -----Appellants

Versus

State of Punjab and others -----Respondents

3. **LPA No.652 of 2016 (O&M)**
In CWP No.2899 of 2016

Ravinder Kumar -----Appellant

Versus

State of Punjab and others -----Respondents

Date of Decision: 11.05.2016

Coram: Hon'ble Mr. Justice Rajesh Bindal
Hon'ble Mr. Justice Harinder Singh Sidhu

Present: Ms. Alka Chatrath, Advocate for the appellants.

Ms. Munisha Gandhi, Addl. A.G., Punjab with Ms. Harleen Kaur,
AAG, Punjab for respondent Nos.1 to 3.

Mr. J.S. Puri, Advocate for respondent No.4.

HARINDER SINGH SIDHU, J.

This order shall dispose of aforesaid three intra-Court appeals filed

common judgment dated 16.03.2016 passed by the learned Single Judge whereby six writ petitions including three filed by the appellants seeking grant of grace marks in the Punjab State Teachers Eligibility Test-I Paper I for questions 18, 25 and 149 have been dismissed.

For facility of reference facts are being taken from LPA No. 574 of 2016.

In terms of the provisions of the Right of Children to Free and Compulsory Education Act, 2009, the National Council of Teacher Education issued notification dated 23.08.2010 as per which qualifying Teachers Eligibility Test has been made compulsory for a person to be eligible for appointment to the post of teacher for Classes I to VIII.

In the State of Punjab the responsibility for conducting the Teachers Eligibility test, called the Punjab State Teachers Eligibility Test (PSTET) had been entrusted to the Punjab School Education Board. (for short 'PSEB')

The PSTET Test was conducted on 13.12.2015 and the appellants appeared therein have opted for Punjabi medium.

The Test consisted of two papers. Paper I was for those who intend to teach Classes I to V. Paper II was for those who intend to teach VI to VIII. Those intending to teach in either of these classes were required to appear in both the papers.

The question paper consisted of 150 objective type questions. The paper was in two sections- Section A and Section B. All the questions in both the sections were compulsory.

In Section -A, questions No. 1 to 30 related to Child Development and Pedagogy which is a bilingual section.

Questions No. 31 to 60 pertained to Punjabi Language .Questions 61 to 90 were for English Language.

In Section-B, questions No. 91 to 120 related to Mathematics and were bilingual. Questions No. 121 to 150 relating to Environmental Science were also bilingual.

The minimum score required to be declared pass was 60 per cent in the case of General candidates and 55% in case of reserved candidates.

The Punjab State Education Board uploaded the answer sheets along with the answer keys on the web site on 19.12.2015 and asked for objections. The result of the test was declared on 23.12.2015. The appellants however failed to qualify in the test as they did not secure the minimum marks.

They filed the writ petitions alleging that some of the answer keys were wrong. Additionally, it was stated that bilingual system had been adopted wherein the questions and answers were given both in English and Punjabi. A specific grievance was raised in respect of questions No. 18, 25 and 149, that though these questions were in Punjabi but the answers thereto were in English. Thereby the candidates who had opted for Punjabi medium could not understand, hence, answer these questions correctly.

The Ld. Single Judge considered each of the disputed questions No. 18, 25, 39, 60, 65 and 149. Error was found only with respect of answer of question No.

39 and it was directed that all candidates who had opted for option B, irrespective of

whether they had filed writ petitions or not be given grace marks. No fault was found with the other questions.

Regarding questions No. 18 and 25, the Ld. Single Judge noted that in these questions only the meaning of abbreviations was asked for from candidates who are striving to further educate the children. It was opined that it was elementary for them to at least understand the terms and familiarize themselves with the said concepts. With regard to question No. 149 the Ld. Single Judge held that there was no dispute regarding the correct option and the word both in English and Punjabi reads as 'Stratosphere'. Reliance was also placed on Clause 10 of the instructions as per which in case of any discrepancy, the candidate was required to refer to the English Version which would be deemed to be right. Ld. Single Judge further held that the appellants were as much at a disadvantage as similarly situated persons who attempted the paper in Punjabi and thus could not claim any exclusive right of benefit of grace marks. Accordingly no relief was granted qua these questions.

Ld. counsel for the appellant has confined her arguments only in respect of questions No. 18, 25 and 149 in the Punjabi section. She argued that once the option of Punjabi and English medium was given, the questions and answers in the Punjabi Section should have been only in Punjabi language. If there was no Punjabi equivalent of a standard answer in English, then such a question and answer should not have been included in the Punjabi Section. Specifically, in respect of question No. 149 she argued, that the Ld. Single Judge has erred in holding that there is no Punjabi equivalent of the term 'Stratoshpere'. She states that in regard to the same question in Paper -II, the answer was in given in Punjabi i.e., 'Mahamandal'.

Ld. Counsel for the respondent on the other hand argued that all the objections received to the answer keys which were uploaded on 19.12.2015 were got evaluated by subject experts and the revised answer key was uploaded on the website on 22.12.2015 and the result declared on 23.12.2015. Thereafter, the exercise of re-evaluation of the answers was again carried out pursuant to directions dated 8.01.2016 of the Court in CWP No. 104-2016 titled Daljit Kaur & another Vs. State of Punjab & others and other connected cases. Objections received in respect of 149 of the 150 questions were re-examined by the subject experts and the recommendations of the experts carried through. It was argued that after this elaborate exercise the appellants could have no further grouse. Reliance was also placed on clause 10 of the instructions as per which in case of any discrepancy or controversy arising out of the translation of any question in Punjabi and English the question printed in English was to be deemed to be correct and the candidate was advised to check English version in such situation.

We have heard Ld. Counsel for the appellant and the respondents and carefully gone through the disputed questions.

The three disputed questions are reproduced below:

“18. *ILFE ਦਾ ਅਰਥ ਹੈ,*

- (A) *Integrated Learning Friendly Environment*
- (B) *Inclusive Learning Friendly Environment*
- (C) *Integrated Learning Friendly Education*
- (D) *Inclusive Learning Friendly Education*

25. *ਵਿਦਿਆਰਥੀ ਆਪਣੀ ਲਿਖਤ-ਸਮੱਗਰੀ ਦਾ ਬੋਧ ਵਧਾ ਸਕਦੇ ਹਨ ਜੇ ਉਹ SQ4R ਨੀਤੀ ਅਪਨਾਉਣ, ਜਿਸ ਦਾ ਅਰਥ ਹੈ:*

- (A) *Study, query, read, review, revise and recite*
- (B) *Survey, question, read, recite, write and review*
- (C) *Study, question, read, revise, review, recite*

(D) *Survey, query, read, review, recite and revision.*

149. ਧਰਤੀ ਦੇ ਤਲ ਦੇ ਸਭ ਤੋਂ ਨੇੜੇ ਵਾਯੂਮੰਡਲ ਦੀ ਕਿਹੜੀ ਪਰਤ ਹੈ?

(A) *ਟਰੋਪੋਸਫੀਅਰ*

(B) *ਮੀਸੋਸਫੀਅਰ*

(C) *ਆਈਓਨੋਸਫੀਅਰ*

(D) *ਸਟ੍ਰੇਟੋਸਫੀਅਰ*

Regarding questions No. 18 and 25, Ld. Single Judge has rightly noted that in these questions only the expansion of abbreviations was asked for. The abbreviation (acronym) having been formed from the first letter of the phrase in a particular language (in this case English), its expansion necessarily has to be in the same language. It cannot be given in a different language (in this case Punjabi). Regarding this grievance of the appellant it is further necessary to point out that is not uncommon to find some common vocabulary in sciences and specialized subjects where the same term is used in different languages.

Furthermore, the questions 18 and 25 related to the subject of Child Development and Pedagogy. Ld. Single Judge was thus right in observing that it was expected of candidates who are striving to be selected as Elementary Trained Teachers that they would understand the terms and familiarize themselves with the basic concepts of the subject.

There is another reason as well which in our opinion disentitles the appellants from relief at this stage. All these petitions were filed after the declaration of result on 23.12.2015. CWP No. 204 of 2016 was filed on 5.01.2016, CWP 2478 of 2016 was filed on 4.2.2016 and CWP No. 2899 of 2016 was filed on 10.2.2016.

Immediately after the exams were held on 13.12.2015, public notices

were issued on 16.12.2015 calling for objections regarding the answer keys, which

were made available on the website on 19.12.2015. All the objections received were got examined by subject experts and revised answer keys were uploaded on the website on 22.12.2015 and the result was declared on 23.12.2015.

The appellants have nowhere averred that they raised any objection in response to the public notice. Only a reference has been made to a representation dated 28.12.2015 (Annexure P-9). We have gone through this representation. In the representation objection has been raised only regarding seven questions. Questions No. 18, 25 and 149 are not among those.

It has come on record that 36,974 candidates appeared in the examination and a total of 7,906 queries were received. Initially only 4,442 candidates had qualified on 23.12.2015 and the Board, on its own, after the first revision, in view of the objections raised, had corrected the marks and 5,653 candidates were declared successful. Out of the 150 questions, objections were received for 149 questions, which were re-examined by the subject experts who had expertise in the relevant subjects.

Vide directions dated 8.1.2016 passed in CWP No. 104 of 2016 titled ***Daljit Kaur and another Vs. State of Punjab & others*** and a bunch of six other cases the respondent Board had been directed to reconsider all the objections received by it within 10 days, and declare the revised result of the successful candidates within 10 days thereafter. These directions were in respect of both Paper I and Paper II. In view of these orders questions regarding which queries were received were again examined, irrespective of whether they were examined earlier. Thirteen main questions which were commonly disputed were thoroughly examined.

Regarding 5 questions it was found desirable to grant additional marks to all candidates due to ambiguity and unclear matching of questions with the answers.

The answers to remaining 8 questions remained unchanged. The revised and rectified result was uploaded on the website on 25.01.2016, granting grace marks for total 5 questions and 6,062 qualified candidates qualified.

Clearly, the exercise of revision and rectification cannot go on ad infinitum.

The appellants had woken up at too late a stage. They could have been non-suited on this ground at the threshold. However, the Ld. Single Judge examined their case on merits and found no substance on their plea regarding questions No. 18, 25 and 149.

Though, there may appear to be merit in the contention of the Ld. Counsel for the appellant regarding question No. 149, however in view of the aforementioned considerations, we are not inclined to direct revision of result at this late stage. This, more so, in the light of the fact that instruction No. 10 clearly directed that in case any discrepancy or controversy arises out of translation of any question in Punjabi and English, the question printed in English shall be deemed right.

For the aforesaid reasons we are not inclined to interfere with the findings of the Ld. Single Judge.

Accordingly, the appeals are dismissed.

(RAJESH BINDAL)
JUDGE

(HARINDER SINGH SIDHU)
JUDGE

May 11, 2016
Atul