

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

Date of Decision: June 10, 2016

1. Letters Patent Appeal No.988 of 2016 (O&M)

Harninder Singh

...Appellant

Versus

State of Punjab and others

...Respondents

2. Letters Patent Appeal No.989 of 2016 (O&M)

Daljit Kaur and another

...Appellants

Versus

State of Punjab and others

...Respondents

3. Letters Patent Appeal No.991 of 2016 (O&M)

Vickram Tuli

...Appellant

Versus

State of Punjab and others

...Respondents

4. Letters Patent Appeal No.992 of 2016 (O&M)

Sandeep Singh and another

...Appellants

Versus

State of Punjab and others

...Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE HARI PAL VERMA**

Present: Mr. H.C. Arora, Advocate
for the appellant(s) (in all cases).

AUGUSTINE GEORGE MASIH, J.

These four appeals i.e. Letters Patent Appeal Nos.988, 989,
991 and 992 of 2016 have been preferred by the candidates, who had filed

their respective writ petition, seeking relief of revision of the answer keys of the Punjab State Teachers Eligibility Test-2 (hereinafter referred to as PSTET-2) held on 13.12.2015 with a further prayer for extension of the cutoff date for applying for the post of Master Cadre from the revision of answer keys. The learned Single Judge partly allowed the writ petitions by issuing directions to the Punjab School Education Board (hereinafter referred to as 'Board') which had conducted the said PSTET-2015 to revise and declare the result on or before 01.06.2016 by giving benefit of one mark to all the candidates for question No.84 apart from the relief already granted by the Board as per the report of the Second Experts Committee constituted in pursuance of the interim order passed by this Court on 08.01.2016. The Court further observed that on the basis of the revised result, the candidates would be eligible to apply for the post of Master Cadre by 15.06.2016 but rejected the challenge of the appellants qua various other questions and correctness of the answer keys of the result.

2. It is the contention of learned counsel for the appellants that the learned Single Judge has failed to exercise its powers by not interfering with the answer key, especially with regard to question Nos.113, 142, 5 and 98 as reproduced in the grounds of appeal which according to him are on the face of it and as is apparent on the record, to be palpably wrong. He submits that the appellants have been able to show and demonstrate that the correct option as given by the Board is glaringly improbable and impossible. The learned Single Judge has merely because the experts have opined, in a manner which is in consonance with Board, not interfered, thus,

denying the appellants an opportunity to clear the PSTET-2 rendering them ineligible for applying to the post of Master Cadre. He has referred to the said questions as mentioned above in the grounds of appeal and reproduced in the judgment of the learned Single Judge and has made an effort to project that the options, as has been accepted by the respondent-Board to be correct, is/are unacceptable. On the basis of the said submissions, he submits that the judgment of learned Single Judge deserves to be interfered with.

3. We have considered the submissions made by learned counsel for the appellants and with his assistance, have gone through the records of the case.

4. Briefly the facts are that the State Council of Education Research and Training, Punjab, requested the respondent-Board to conduct the PSTET-2015 as per the supplied notifications and guidelines. PSTET-2015 was conducted in two groups namely Punjab State Teachers Eligibility Test-1 (PSTET-I) which was for recruitment of ETT Teachers for Classes 1 to 5 and the other was Punjab State Teachers Eligibility Test-2 (PSTET-2) for recruitment of Teachers for Classes 6 to 8.

5. In the present set of cases, Court is concerned with PSTET-2 as the appellants are seeking to pass the test for eligibility for recruitment of Teachers for Classes 6 to 8. The duration of the examination was 2 hours and 30 minutes except for the candidates belonging to handicapped category, who were given 50 minutes extra time. Total number of questions were 150 with each question carrying one mark. Out of these 150 questions,

first 90 questions were compulsory for all the candidates and the remaining 60 questions were divided into two groups i.e. (i) Mathematics and Science group and (ii) Social Studies and Social Sciences. The candidates had to opt for any of these two groups.

6. An advertisement dated 07.11.2015 was issued inviting applications, in pursuance thereto, 1,36,210 applications were received by the Board. PSTET-2 was conducted by the Board on 13.12.2015. A Public Notice was issued in six different newspapers, two each in Punjabi, English and Hindi on 16.12.2015, inviting queries upto 20.12.2015 till 5:00 PM to the answer keys which were to be available from 19.12.2015 at 9:00 AM on the website of PSTET.

7. Subject Expert Committees were constituted initially on 26.11.2015 and further additions were made on 18.12.2015 by the Chairperson of the Board to deal with the objections/queries. On considering, evaluating and analyzing all the queries, a comprehensive report was given to the Board by the Experts Committee with recommendations made for certain changes in the answer keys. The Board considered the report and accepted the same. Six changes were effected in the answer keys of Paper-1 which related to 19 questions which were compulsory for all. In Paper-2 which was the optional paper in the Mathematics and Science group, five changes were made and three additional marks given to all the candidates due to misprint of questions. As regards the Social Studies and Social Sciences combination, four changes were effected and two additional marks were given due to misprint

in the questions. With these amendments in the answer keys, the result was declared on 23.12.2015 and 4351 candidates qualified. Thereafter on 30.12.2015, question No.93 of Set-1 pertaining to 'Kautalya' was re-assessed and re-examined and it was decided to give benefit to the candidates, who had opted for option 'A'. As a consequence thereof, total candidates, who were declared qualified, came to 4613.

8. The petitioners approached this Court by filing writ petitions where notice was issued and short affidavit filed by the respondent-Board. On consideration thereof and the pleadings, an interim order dated 08.01.2016 was passed, wherein it was noticed that in the answer keys of questions 19, 25, 26, 113, 122 and 146 of Set-4 ambiguity is apparent on the face of the record and ordered a fresh exercise to be conducted and carried out by the experts.

9. In the light of this interim order, all objections were re-considered and the entire exercise was again undertaken by the respondent-Board. After thoroughly examining all the questions and objections raised thereto, it was considered desirable to give four additional marks to all candidates due to ambiguity/unclear image of the answer keys as out of the 26 questions which were mainly disputed, the answer key qua 22 questions remained unchanged. Result was declared on 18.01.2016 and the total number of qualified candidates now came to 5222.

10. Counsel for the appellants had pressed the remaining questions before the learned Single Judge and an effort was made to project that there was ambiguity either in the questions or the answer keys but except for

question No.84, the other contentions were rejected.

11. Counsel for the appellants has made similar effort before us by trying to project that there is ambiguity either in the questions 113, 142, 5 and 98 or the option which has been given by the Board in the answer keys to be the correct answer or more than one option of amongst the options given in the question paper would be correct but we are unable to accept his submissions and are in agreement with the findings and the reasons assigned for the same by learned Single Judge.

12. As regards the contention of learned counsel for the appellants that the Court should have interfered as the answer keys are palpably wrong, does not impress us as we are satisfied that the opinion expressed by two Expert Committees, one which was constituted by the Board *suo moto* and thereafter the second one as per the interim order passed by this Court on 08.01.2016 asking the Board to have a fresh look on all the objections which have been received, is fully justified. Further it is a settled preposition of law that the Court should honour the opinion of the Subject Experts, who have vast and variable experience, whereas the Court has a limited expertise. The Court should not be sitting in appeal over the decision of the Subject Experts unless there is a palpable error or the answer key is patently incorrect, where a duty is cast upon the Court to interfere. The Courts have been and rightly so leaving it to the Subject Experts and Specialists to assess the correctness or otherwise of the questions and answers or formation of the answer key to the questions, which is a correct approach. We do not find any of the four questions, which have been

projected to be calling for interference by the Court, to be carrying any ambiguity which would crave indulgence.

13. In view of the above, finding no merit in these appeals, the same stand dismissed.

(AUGUSTINE GORGE MASIH)
JUDGE

June 10, 2016
Puneet

(HARI PAL VERMA)
JUDGE