

THE HON'BLE SRI JUSTICE M.S.RAMACHANDRA RAO

WRIT PETITION No.6742 of 2017

ORDER:

The petitioner applied for the post of Constable and appeared in the physical test and final written test conducted by the Telangana State Level Police Board (2nd respondent). He qualified in the physical test and later appeared for final written examination on 23-10-2016 vide Hall Ticket bearing No.6803730. He was allotted Question paper with booklet Code 'B'. The preliminary key was released on 25-10-2016. Thereafter final key was released on 02-11-2016.

2. Question No.178 in the said question paper offered the following answers and options:

"Which of the following 3 major forms of Pollution?

- (A) Air Pollution (B) Water Pollution (C) Noise Pollution
(D) Land Pollution.

The answers offered were:

- (1) A, B and C only
(2) B, C and D only
(3) C, D and A only
(4) D, A and B only"

3. Petitioner contends that answer to 178th question was changed in the final key from that given in the preliminary key, that in the

preliminary key, the answer is Option (1) but in the final key, it was shown as Option (4).

4. Petitioner contends that in the Text Book of Intermediate II year Economics, in the chapter dealing with Economic Development of India at paragraph 4.8.2, it is stated that pollution is in 3 important forms i.e., air pollution, water pollution and sound pollution; that the correct answer to the said question is therefore 1st option i.e. air pollution, water pollution and noise pollution [A, B and C], which was correctly shown in the preliminary key and that the correct answer shown in the final key as “land pollution, air pollution and water pollution [D, A and B only] , is not the correct answer.

5. According to him, he applied for reevaluation on 07-11-2016 and also paid requisite fee of Rs.5,000/-, but he received a message on his mobile phone on 11-02-2017 stating that the Committee constituted for the said purpose opined that there is no need to change the marks already declared. He contends that he obtained 70 marks in the written examination under B.C. (D) category, that he would be allotted additional 5 marks since he has a valid Driving License and he would be entitled to undergo medical examination and certificate verification since he would be entitled to obtain employment by virtue of the extra mark which he would obtain taking his tally to 71 marks in the written test. He therefore prayed that the action of the 2nd respondent in merely re-valuing his OMR sheet instead of

re-evaluating the same is arbitrary and illegal and seeks a direction for consideration of his representation dt.17-02-2017 afresh.

6. Counter-affidavit is filed by respondents stating that the answer indicated in the final key is the correct answer, that the Committee of Experts had examined the objections to the preliminary key and come to the conclusion that the correct answer to Question No.178 is “D, A and B” only i.e. land pollution, air pollution and water pollution. As regards petitioner’s contention that the answer in the final key is contrary to what is contained in the Intermediate Text Book of Economics is concerned, it is merely stated that the Expert Committee verified the matter thoroughly and arrived at the change of the final key in respect of Question No.178 of set (B).

7. I have noted the contentions of both sides.

8. It is not in dispute that the qualifying examination for the post of Police Constable is a pass in Intermediate examination. Therefore, the syllabus for the same would be as would be prescribed in the Intermediate course.

9. When the Text Book of Economics published by the Telugu Academy, Hyderabad for II year Intermediate course stated in chapter 4.8 at page No.110 that the three important forms of pollution are air pollution, water pollution and sound pollution, the respondents cannot contend that this answer given by petitioner is not the correct answer

and what the Committee of Experts decides alone (i.e. that major forms of pollution are air, water and land pollution) is the correct answer.

10. I am of the opinion that the view expressed by the Committee of Experts is clearly contrary what is contained in the Text Book of II year Intermediate course Economics subject. If a candidate like the petitioner gives answer on the basis of the contents of the said prescribed Text Book, the respondents cannot take the plea that the answer given by the petitioner is incorrect and the answer decided by the Committee alone is correct. As long as the answer given by the petitioner is contained in the Text Book prescribed in the Intermediate course, which is the qualifying examination for the post in question, the 2nd respondent has to accept the same and cannot say that the answer is something else.

11. Therefore, the Writ Petition is allowed and the action of 2nd respondent in holding that option (1) for Question No.178 is not correct and that Option (4) is the correct answer, is arbitrary and illegal and violates Article 14 of the Constitution of India. Accordingly, respondents are directed to treat the correct answer to Question No.178 in the subject examination as 'Option (1); grant the petitioner 1 extra mark if he had given the said option; then re-evaluate his OMR sheet , and consider his case for the post of Constable for which the 2nd respondent had conducted physical test

and written examination. This exercise shall be completed within eight (08) weeks from the date of receipt of a copy of this order. No costs.

12. As a sequel, the miscellaneous petitions, if any pending, shall stand closed.

JUSTICE M.S.RAMACHANDRA RAO

Date: 11-07-2017

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