

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

LPA No.2237 of 2016

Date of Decision : 10.01.2017

Harcharan Singh

....Appellant

Versus

Union of India and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

Present: Mr. Sameer Sachdeva, Advocate
for the appellant.

.....

MAHESH GROVER, J.

This appeal by the appellant is against the judgment of the learned Single judge dated 17.10.2016 passed in CWP No.2901 of 2016.

The appellant was an aspirant for Junior Research Fellowship (JRF) and competed in the exam conducted on 28.12.2014 wherein initially he got 214 marks out of 350 on the declaration of result on 16.05.2015. On account of various representations/objections filed by him and also other similarly situated persons disputing the correctness of the answer key applied to the questions, the pleas were accepted and some of the questions were corrected resultant to which the appellant's marks were revised to 222 in December 2015 (66.43%). He still fell short by 4 marks as the qualification for the award of JRF was 226. It is in this background that he had approached the writ court with a particular reference to two questions, No.21 and 43, which we may extract

herebelow :-

“21. In the study of personality which sequence is most appropriate :

- (A) Personality type, Personality trait, Psychoanalytic
- (B) Personality trait, Personality type, Psychoanalytic
- (C) Psychoanalytic, Personality type, Personality trait
- (D) Psychoanalytic, Personality trait, Personality type”

“43. Which of the following is a characteristic of distance education?

- (A) Education that involves the use of computer
- (B) Teacher and students are connected through an off campus location
- (C) Flexibility in time and space for relating teachers and learners
- (D) Exchanging students from one campus to the other”

In so far as question No.21 is concerned, the respondents' stand was that the correct answer is option 'C' whereas the appellant had marked option 'A'. He made an impassioned plea with reference to certain books which he appended to the writ petition, finding mention at page No.140, 141, 193 and 209 to contend that sequence given in option 'A' was better. The learned Single Judge opined that the material relied upon by the appellant only showed various types of theories and thus declined to accept the prayer of the appellant.

In so far as question No.43 is concerned, the respondents had indicated the correct answer as option 'C' while the appellant indicated the correct answer as option 'A'. Qua this also the learned Single Judge opined in favour of the respondents' answer being correct. Thereafter while placing reliance on *H.P.Public Service Commission v. Mukesh Thakur and another* **2010(6) SCC 759** wherein it was held that it was not for the courts to take upon itself the task of an examiner which should be left to the authorities and the experts, the learned Single Judge declined interference. Persuasive

value was also obtained from the judgment reported as *Basavaiah (Dr.) v. Dr.H.L.Ramesh and others* (2010) 8 SCC 372 and **LPA No.1956 of 2012** '*Sameer Khurana and others v. Board of School Education Haryana and others*', decided on 16.01.2013.

Before us the learned counsel for the appellant has reiterated virtually the same submission which was there before the writ court to contend that it would be unsafe to rely upon the opinion of the experts unless their credentials as such are verified and for this he urged this court to look into this aspect before accepting their opinion.

We are, however, not inclined to accept the prayer, particularly in view of the pronouncements of the Hon'ble Supreme Court as noticed by the learned Single Judge. Besides, a cursory look at question No.21 and the reasoning offered by the appellant would show that it is highly unsafe to accept the plea. The said question apparently can be seen in many ways as the material on record placed by the appellant himself would indicate. It is a subject based on various theories with no conclusive determination and thus it would be only proper to lean towards the answer indicated by the examiner particularly when this answer would have been applied across the board unless it is shown to be totally absurd.

Likewise, question No.43 also does not throw up any absurd answer in terms of the correct answer in the key. Distance education as normally understood would offer flexibility in time and space relating to teachers and learners and can be legitimately

accepted to be the correct answer.

Therefore, taking into consideration the totality of the facts when the answer key does not offer any absurdity in the correct choice indicated, we would decline interference and not accept the argument of the learned counsel for the appellant that other options which may probably or possibly be also correct should form the basis of overturning the examination process even to that limited extent.

Appeal dismissed.

(MAHESH GROVER)
JUDGE

10.01.2017
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No