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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 6917/2017 and CM Nos. 28751-52/2017**

ARNAV SONI

..... Petitioner

Through: Mr Naresh K. Daksh, Adv

versus

CENTRAL BOARD OF SECONDARY EDUCATION

..... Respondent

Through: Mr Amit Bansal and Ms Seema Dolo,
Adv for R-1

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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18.08.2017

The petitioner is aggrieved by the fact that although a revaluation of his Economics paper had been directed and his marks had been raised from 94 marks to 95 marks yet his grievance is that there is only a 1 mark rise; he has been awarded zero marks in question no. 19; his answer was correct; qua question No. 7 he has been awarded 2 marks whereas he should have been awarded 3 marks as his answer was perfect on that count also.

On advance notice, learned counsel for the respondent has put in appearance. The revaluated answer sheet of the Economics Paper of the petitioner has been brought on record. It has been perused. Learned counsel for the respondent points out that in question No.7

initial marks of the petitioner from 2 has been enhanced to 3. Grievance qua question No. 7 is thus over.

Qua question No.19, attention has been drawn to the answer given by the petitioner which reads herein as under:-

“Primary Deficit is the Total expenditure excluding interest payments less Total receipts excluding borrowings of a country.

P.D. = T.E – Interest – [TR – Borrowings]

It is simply – Borrowings – Interest Payments

Shows how much the government borrows to meet interest payments.”

Learned counsel for the petitioner points out that this answer is ditto the answer which was expected from the student as is reflected in the marking scheme of the respondent. The said answer reads as under:-

“It is fiscal deficit net of interest payment.”

Learned counsel for the respondent, points out that the views of the Apex Court reported as (1994) 6 SCC 651; Tata Cellular vs. Union of India the subject of judicial review qua decisions which are made bona-fide and which ratio was reiterated in a subsequent judgment reported in W.P.(C) 5719/2015 Atul Kumar Verma vs. Union of India are relevant. Attention has been drawn to the aforementioned principles culled out in the said judgments. Time and again the Apex Court has reiterated that the *Courts should curb their temptation to interfere with the question paper and answer key inspite of counter views, of other subject experts, being brought before them and their being thus a dispute as to which view is correct; the*

Universities and the examining bodies on whom the said function has been entrusted would loose their sheen and the respect in which they are held; if the tried to interfere in such matters, the Courts cannot possibly be experts in all subjects on the basis of opinions to the contrary obtained from other independent subject experts.

Keeping in view the aforementioned principles, this court is not inclined to answer the prayer in favour of the petitioner.

Petition dismissed.

INDERMEET KAUR, J

AUGUST 18, 2017
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