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

+ **W.P.(C) 7075/2017**

GAURAV KATHURIA

..... Petitioner

Through: Mr. Sanjay Poddar, Sr. Advocate with
Mr. Sandeep Bajaj & Ms. Aakanksha Nehra,
Advocates.

versus

CENTRAL BOARD OF SECONDARY EDUCATION

..... Respondent

Through: Mr. Atul Kumar, Advocate.

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

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18.08.2017

C.M. No.29413/2017 (for exemption)

Allowed, subject to all just exceptions.

W.P. (C) No.7075/2017 & C.M. No.29412/2017 (for stay)

The petitioner is aggrieved. The submission of the petitioner is that although his marks had been revaluated (pursuant to the directions of this Court passed in W.P.(C)No.5355/2017) and his earlier result of 84.4% had been enhanced to 84.8% yet even after revaluation, there are certain questions which have not been evaluated correctly. Learned counsel for the petitioner has drawn attention of this Court to the answer to the question No. 11 as also answer to question No. 23. Question No. 11 had 4 marks. His 2 marks had been enhanced to 3 marks. This was a 1 mark enhancement which the

reevaluation had granted to the petitioner. Qua question No. 23, there was no change. Learned senior counsel for the petitioner has highlighted the answer given by the petitioner to question No. 23 as also the answer in the marking scheme and in the text book. Submission being that answer written by the petitioner may not be verbatim and ditto what is contained in the marking scheme yet the gist is the same and the petitioner has been given 4 marks out of 6 to question No. 23. An independent evaluator should be appointed to reconsider the matter afresh.

On advance notice learned counsel for the respondent has put in appearance. Submission is that the case of the petitioner cannot be considered as reevaluation has already been effected in the case of the petitioner and he has got his enhanced 1 mark. Learned counsel for the petitioner has placed reliance upon a judgment of the Apex Court reported as (1994) 6 SCC 651; Tata Cellular vs. Union of India to support his submission that 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 clearly holds that *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.

The answer given by the petitioner to question No. 23 and the answer contained in the marking scheme has also been perused. Learned counsel for the respondent rightly points out that certain aspects have not been answered by the petitioner and that is why he got 4 marks out of 6. This Court need not delve into this matter any further as it is not an expert body.

Petition is without any merit. Dismissed.

INDERMEET KAUR, J.

AUGUST 18, 2017
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