

IN THE HIGH COURT OF JUDICATURE AT PATNA

Letters Patent Appeal No.1757 of 2016

In

Civil Writ Jurisdiction Case No.12776 of 2015

-
-
1. Rakesh Kumar Jha
 2. Kamlesh Kumar Jha
 3. Gunjan Kumari All are Son & Daughter of Late Devendra Nath Jha, Resident of Village- Bal Krishna Nagar Surkhikol, P.S.- Barari, District- Bhagalpur.

... .. Appellant/s

Versus

1. University Grant Commission, National Education Testing (NET) Bureau, South Campus, University of Delhi, Banito Juarez Marg, New Delhi-110021 through its Chairman.
2. Chairman, University Grants Commission, National Education Testing (NET), South Campus, University of Delhi, Nenito Jarez Marg, New Delhi-110021.
3. Director, University Grants Commission, National Education Testing (NET) Bureau, South Campus, University of Delhi, Nenito Jarez Marg, New Delhi-110021.
4. Head, National Education Testing (NET) Bureau, University Grants Commission, South Campus, University of Delhi, Benito Juarez Marg, New Delhi-110021.

... .. Respondent/s

Appearance :

For the Appellant/s : Mr. Rajive Ranjan Singh, Advocate
For the Respondent/s : Mr. Deepak Kumar, Advocate

CORAM: HONOURABLE THE CHIEF JUSTICE

and

HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD

ORAL JUDGMENT

(Per: HONOURABLE THE CHIEF JUSTICE)

Date : 12-02-2018

Re.: Interlocutory Application No.8178 of 2016

Delay of 112 days in filing of the Letters Patent Appeal is condoned.

Interlocutory Application stands allowed and disposed of.



Re.: Letters Patent Appeal No. 1757 of 2016

In the matter of NET examination conducted in the year 2013, the writ petition filed by the appellants has been rejected by the Hon'ble Writ Court by making the following observations:-

“Three petitioners have made a general grievance that since some of the questions and their options for answer were not correct, petitioners have failed to pass the NET Examination very narrowly and their objections before the UGC has not been entertained or responded to in the right spirit.

A counter affidavit has been filed on behalf of the UGC. They take stand that since 2012 the answer-sheets of all the question papers are uploaded on the website. Objections are invited. All the objections are collated and placed before a team of expert. The team of expert examined the nature of objections, the authenticity thereof and has taken a final decision. The respondents have annexed Annexure-R/1, which is the report of the expert committee. The objections have been considered and they have come to a considered opinion that the objections are misplaced and no changes are required to the questions, which have been indicated in the said objections.

There is no reason for this Court to apply its wisdom over an above the decision of the expert committee, which consists senior Professors, Directors and Deans of institution of excellence and in view of the same, merely because the petitioners are failed candidates, it does not mean that the Court will work as an expert of experts at their instances.



A yardstick has been followed by the UGC and evaluation has been done on the basis of the same. No interference, therefore, is required with the results of the NET at this juncture, now.

Writ application has no merit, it is dismissed.”

In our considered view, the learned Writ Court has not committed any error. The answers to the questions challenged by the appellants have been evaluated by expert and a writ Court in exercise of its extra-ordinary jurisdiction under Article 226 of the Constitution cannot sit over the decision of the expert in the matter of correct answer to the questions as an appellate authority and taking note of all these circumstances in rejecting the writ petition the learned Writ Court has not committed any error. We find no reason to make any deviation or indulgence into the matter. The appeal stands dismissed.

(Rajendra Menon, CJ)

(Rajeev Ranjan Prasad, J)

Sunil/-

AFR/NAFR	NAFR
CAV DATE	NA
Uploading Date	15.02.2018
Transmission Date	

