

IN THE HIGH COURT OF JUDICATURE AT PATNA
Civil Writ Jurisdiction Case No.16809 of 2017

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1. Narendra Prasad son of Late Batahu Mahto resident of village & Post Office - Matlupur (Via Pear), P.S. - Pear, District - Muzaffarpur, Pin - 843115.
 2. Arun Prasad son of Munilal Prasad resident of Village & Post -Piro, P.S. Piro, District - Bhojpur.

... .. Petitioner/s

Versus

1. The Union of India through the Secretary, Department of Human Resources Development, Government of India, New Delhi.
2. The Joint Secretary, Department of Human Resources Development, Government of India, New Delhi.
3. The Joint Admission Board through its Chairman, Ministry of Human Resources Development, Government of India, New Delhi.
4. The Chairman, Joint Admission Board cum Director, IIT Kanpur, Director's Bungalow, Indian Institute of Technology , Kanpur (U.P.).

... .. Respondent/s

Appearance :

For the Petitioner/s	:	Mr. Shekhar Singh Mr. Shantanu Kumar
For the Respondent Nos. 3 & 4	:	Mr. Y. V. Giri, Senior Advocate Mr. S.K. Giri
For the Union of India	:	Mr. S.D. Sanjay, Addl. Soc. Gen. Mr. Ram Anurag Singh (C.G.C.)

CORAM: HONOURABLE MR. JUSTICE CHAKRADHARI SHARAN SINGH

ORAL ORDER

9 25-04-2018 Sons of the petitioners, namely, Roushan Kumar and Anivesh Raj, are aspiring for admission to engineering and other courses in the Indian Institutes of Technology (IITs). They are pursuing their Intermediate/10+2 course and they have appeared for the Joint Entrance Examination (Main), 2018. The petitioners have put to challenge, on behalf of their minor sons, the notification containing the decision of the Joint Admission Board (hereinafter referred to as 'JAB') of Joint Entrance



Examination (Advanced)-2018 [hereinafter referred to as 'JEE (Advanced) 2018'], whereby it has been decided to conduct the said examination through '*fully Computer Based Test (CBT) mode/online mode*'. They are seeking direction to the concerned authorities to hold JEE (Advanced)-2018 in both modes, i. e. *pen and paper (offline)* and *CBT/online* mode so as to enable the candidates to opt for either of the two modes, according to their choice and convenience, as was being done in past, till the last JEE (Advanced), 2017.

2. This is to be noted that admission test for admission to B.Tech.-M.Tech (dual degree) and integrated M.Sc. Program of the IITs, is conducted in two stages at all India level. The minimum academic qualification for appearing in Joint Entrance Examination is a pass in final examination of 10+2 system or its equivalent. Joint Entrance Examination (Main) is the first stage, which is conducted by Joint Entrance Examination Apex Board. This year JEE (Main) has been conducted by Central Board of Secondary Education. Those who secure cut-off marks or above in the said examination, are allowed to appear for the second stage of test i.e. Joint Entrance Examination (Advanced). The wards of the petitioners have participated in Joint Entrance Examination (Main), held in the month of April 2018. The



result of the said examination is yet to be published.

3. There is no dispute over two facts. Joint Entrance Examination (Main) examination is held in *CBT* mode and *pen and paper* mode, both. Till 2017, the Joint Entrance Examination (Advanced) was also held in both modes, i.e. *CBT* and *pen and paper*, based on option of aspirants. From this year, the JAB has decided that JEE (Advanced), 2018, shall be held in *CBT* mode only, which decision is being assailed in the present writ application.

4. From the pleadings on record, it appears that admission to various Indian Institutes of Technology (IITs, in short) is planned and supervised by the JAB, which comprises of the Directors of all the Indian Institute of Technologies, all members of Joint Implementation Committee (JIC) (comprising of the Chairman/Vice Chairman of Joint Entrance Examination (Advanced) of all IITs), the representatives of Ministry of Human Resource and Development Department (MHRD), Government of India and the Central Board of Secondary Education (CBSE). The Joint Entrance Examination (Advanced) is conducted every year by the IITs on behalf of the MHRD with either of the seven old IITs acting as the Organizing Institute, and this year, IIT, Kanpur, has been entrusted with the



responsibility of being Organizing Institute of Joint Entrance Examination (Advanced), 2018.

5. It is the assertion of these petitioners that they belong to lower middle class families and their children have studied in schools of average standard, having no facility of computer training and, thus, they could not receive computer education and are scared of operating a computer. It is further case of the petitioners that there are large number of other students who belong to rural areas and have not received computer education during their academic career which is not a compulsory part of studies in most of the schools. In such circumstance, compelling such students to go through the CBT mode is certainly disadvantageous for them. It is also their case that aspirants, proficient in computer, are more likely to perform better than those who have no exposure to computers, if the examination is held exclusively in *CBT* mode. There are chances of technical glitches inasmuch as all the computer centers are not equipped with proper infrastructure and there is likelihood of power failure in small towns, which can have adverse consequence over the output of an aspirant's performance, they contend. The petitioners have relied on statistics, which, according to them, is available in India Today



(online edition), containing figures based on publication of the result of Joint Entrance Examination (Main)-2016, which is as follows:-

Description	Number of boys	Number of girls	Transgender	Total
Total candidates registered for paper 1	887432	307502	4	1194938
Candidates registered for Offline Exam	755348	267517	4	1022869
Candidates registered for Online Exam	132084	39985	-	172069
Candidates appeared for Offline Exam	724535	249652	3	974230
Candidates appeared for online Exam	119949	34457	-	154406
Candidates qualified for JEE (Advanced) Offline	142520	35888	-	178408
Candidates qualified for JEE (Advanced) Online	15890	3930		19820

6. They have asserted that considering the ground realities, the Central Board of Secondary Education, which had conducted the Joint Entrance Examination (Main) examination, had allowed candidates to appear through both CBT and pen & paper/offline mode and there was no justification for any change in the system of having both modes for Joint Entrance Examination (Advanced), they assert. It is the case of the petitioners, based on the available statistics, which has not been disputed, that in the last year, approximately 85 per cent of



aspirants preferred to appear in the offline mode in the Joint Entrance Examination (Main) examination and majority appeared in *pen and paper* mode in Joint Entrance Examination (Advanced), 2017. It is their case that before taking this policy decision of having only *CBT* mode of test in Joint Entrance Examination (Advanced), 2018, the respondents did not carryout any exercise to find out as to whether such decision may have adverse consequences on aspirants, who are though, meritorious because of their proficiency in the subjects concerned, but have no exposure to computer training/education.

7. A counter affidavit has been filed on behalf of JAB and its Chairman stating therein that the admission process as well as the manner in which the entrance examination is conducted is not statistic and they evolve from time to time, drawn on past experiences. Each and every aspect of the admission process is deliberated upon in a great detail by the JAB and JIC and wherever required, appropriate measures are taken to address the issues which might have emerged in the previous years. It has been stated that the decisions are not taken lightly; rather, they are taken by the experts in order to ensure, *inter alia*, (i) smooth and fair conduct of the examination and



(ii) selection of most meritorious candidates. They have referred to proceedings of Supreme Court, in **Writ Petition (Civil) No. 456 of 2017 (Balram Vishnu Subramani Vs. Union of India and another)**, where certain discrepancies were noticed in the process of Joint Entrance Examination (Advanced), 2017. The Supreme Court, in the order, dated 10.07.2017, has made following observation, taking note of assurance given by the Chairman of JAB-2017, which reads thus:-

“After saying so, we would have proceeded to dismiss the writ petition, but the desire of this Court is that such kind of error/mistake, whether printing or framing of questions should not occur in future. Mr. K.K. Venugopal, learned Attorney General, Mr. Tushar Mehta, learned solicitor General of India and Mr. Sonal Jain, learned counsel appearing for the respondent no. 2, shall apprise us with regard to an apposite foolproof mechanism by which no mistake shall take place in future.

Mr. Bhaskar When we say, foolproof mechanism, it means with regard to setting of question papers, so that no student would have any



grievance and question of granting any bonus marks would never arise.”Ramamurthy, chairman, JAB-2017, is present in the Court and has assured that he will see to it that mistakes shall not occur. When we say, foolproof mechanism, it means with regard to setting of question papers, so that no student would have any grievance and question of granting any bonus marks would never arise.”

8. It is the stand of the respondents that replacing the *pen and paper* mode of the examination was one of the integral measures taken by the IITs to ensure that fool proof mechanism is in place which the Respondents had promised the Supreme Court. In that view of the matter, they are bound to adopt and implement the said measure. It is their further case that in the pen and paper system, one master set of questions used to be framed and various versions of the same would be prepared to eliminate possibility of copying by placing the same questions at different serial nos. in different set of questions. Referring to the issue which had arisen in JEE-2017, it has been stated that there were printing inconsistencies between different paper codes and papers in English version and Hindi version.



According to them, once the question papers are put on computer, possibility of printing errors and inconsistencies stands completely eliminated. It has further been stated that after receiving notice of the present writ application, issues raised by the petitioners were duly considered by the respondents. The conclusion which was arrived at, was that it would not be possible either to scrap the '*computer based test*' or to offer the entrance examination in both pen and paper mode and *CBT* mode, since all the preparations for the examination were already made in advance, including (i) the logistical arrangements to ensure that the number of candidates appearing are catered to and (ii) all candidates are tested against same set of questions. It is their stand that in the event, the examination is directed to be conducted in *pen and paper* mode also, there would be no time available for making adequate arrangements for holding test in *pen and paper* mode considering the strict time frame, which is to be mandatorily adhered to. The exercise of printing question papers involves a lot of preparations in advance inasmuch as question papers are to be set and sent to a secure printing press, proof reading, typesetting, printing etc., which is not limited only to one question paper, rather to all the various codes, both in English and Hindi, and the order in which



the questions have to be jumbled, for eliminating the chances of unfair means by the candidates. It is also asserted that it is of utmost importance that all candidates are tested against the same set of questions and if the examination is to be held both in *pen and paper* and *CBT* mode, the pattern of test in both modes are likely to be different and it would be virtually impossible to hold the examination with same question papers. It has also been stated that balance of convenience is entirely against granting the relief sought for by the petitioners, since there would be approximately 2,24,000 candidates, who would be qualifying to appear in the examination, no part of which can be left to chance or dealt with at the eleventh hour, by the respondents, they assert.

9. In order to, facilitate the aspirants for being acquainted and familiarized with the process of online examination, a Mock Test Portal has been made available and put on the website of JEE (Advanced)-2018, replicating the *CBT* environment of JEE (Advanced)-2018, which could be used by the candidates to get acclimatized with *CBT*. A 'Detailed Help Video' explaining the features and functionalities of *CBT* have also been uploaded on the official website of JEE (Advanced) 2018, for benefit of all prospective candidates



which provides an excellent ambiance and opportunity to a candidate to do their best in the examination. The apprehension of the petitioners as raised in the writ application is absolutely unfounded and speculative, which deserves to be dismissed, they have contended. The benefits of *CBT* mode have been recounted in paragraph 22 of the counter affidavit which reads as under:-

“(a) Each candidate shall be allocated separate set of computer at the allotted examination centre. The computer monitor shall display the photograph and other details of the candidates, thereby eliminating the possibility of impersonation.”

(b) The entire operation will be mouse-based and the key board attached to the computer shall be disabled. Therefore, there is no requirement for a candidate to be familiar with a keyboard or to be proficient in typing.

(c) The candidates shall have option to choose the language of the question paper which they can alternate between Hindi and



English mode to better comprehend the questions, anytime during the examination.

(d) The answer can be marked or entered merely by a click of the mouse.

(e) The candidate will be provided rough paper to do rough/calculation works etc.

(f) The candidate shall have option to revisit any previously visited question, anytime during the examination.

(g) The candidate shall have option to change any previously answered question at any point of time within the prescribed time period. This would be a major advantage for the candidates as compared to the old environment of pen and OMR sheet based examination, which did not permit a candidate to change an answer, once the OMR bubble had already been filled in.

(h) The question paper and the candidate responses would be made available to the candidates within five days after the completion of the examination



(i.e. by Friday, May 25, 2018, 10:00 IST).

(i) The time left to attend the remaining questions shall be clearly visible on the computer screen itself, which will be an excellent tool of time management to the candidates.

(j) None of the candidates will be permitted any extra time beyond the prescribed time. However, appropriate arrangements to compensate for any lost time shall be in place in case of failure of any system.

(k) Qualified and trained persons will be available at each centre to take care of any computer problems (though these are not expected to occur).”

10. It is the specific stand of JAB taken in paragraph 33 of the counter affidavit that, there is no requirement for a candidate to have a computer education for the purpose of appearing in JEE (Advanced) 2018, through CBT mode, nor any prior experience or special training is needed, since entire test is based on merely click of the mouse. According to them, it is not correct to say that it will create any



problem for one class of students and facilitate the other class.

11. Noticing the averments made in paragraph 11 of the rejoinder affidavit filed on behalf of the petitioners to the counter affidavit filed on behalf of the JAB, which contains the figures showing that large number of the candidates opt for *pen and paper* mode in preference to *CBT* mode in JEE (Main)-2016, the Court had directed the respondent nos. 3 and 4, by order dated 10.04.2018, to file an affidavit dealing with the same. The Board was also directed to furnish to this Court the information in the same format as given in paragraph 11, in respect of JEE (Main)-2017. At the same time, learned Additional Solicitor General, was requested to seek instructions from the department of Human Resource and Development, Government of India, as to whether Government of India had concurred with the policy of the Board to conduct Joint Entrance Examination (Advanced)-2018, through *CBT* mode only.

12. In response to the said order, an affidavit has been filed by the respondent nos. 3 and 4. It has been stated in paragraph 4 of the second supplementary counter affidavit filed on behalf of the said respondents that the Joint Entrance Examination (Advanced) Teams have access to only category-



wise merit based qualification of candidates and no other information from the Central Board of Secondary Education is made available to the Teams. It has also been stated that information regarding number of candidates who appeared in JEE (Main) Examination, through pen and paper mode and *CBT* mode is not available. It has further been stated that the JEE (Main), is held for the purpose of selecting the top 2,20,000 (Approx.) successful candidates who are eligible to appear in JEE (Advanced) Examination and apart from the said purpose, the JAB have no concern with JEE (Main), which has been conducted exclusively by CBSE. It has also been stated that the said respondents are not in a position to comment on the accuracy of data made available. The respondent-JAB, without accepting the figures available in paragraph 11 of the rejoinder affidavit as quoted herein above, has taken a plea that even, if the said figures are analyzed, it can be seen that out of 9,74,230 pen and paper candidates, 1,78,408 candidates qualified for JEE (Advanced) representing success rate at 18.3 percent approximately. On the other hand out of 1,54,406 online candidates, 19,820 candidates qualified for JEE (Advanced) representing approximately 13 percent. Since the average success rate is approximately 17 percent, the two results are



approximately within 5 percent of average success rate, which goes to indicate that candidates who appear through *CBT* mode, were not at any disadvantageous position. On the questions of concurrence by the Central Government to adopt online mode as the only method for holding the examination, it has been averred that the Secretary of the Ministry of Human Resource Development, Government of India, is part of the JAB which is the body that takes the decisions in respect of JEE (Advanced).

13. Mr. Shekhar Singh, learned Counsel appearing on behalf of the petitioners, has, based on the pleadings and materials on record, submitted that the policy of the JAB to hold JEE (Advanced) 2018, only through *CBT* mode is going to be a great impediment, for those otherwise meritorious candidates who have pursued their academic carrier in Schools located in remote areas/villages, which do not have any facility for computer training or education. He has submitted that such aspirants, who are not exposed to computers will not find themselves at ease, either while seeing the screen for the first time or handling the mouse, even if the mode of answer has only two components of (i) watching the screen for the purpose of reading questions and (ii) using the mouse for answering the questions. He has submitted that the problems are to be solved



by aspirants with *pen and on paper* mode available for the rough work and thereafter answers are to be selected, by clicking the mouse. He contends that the policy of the JAB, to this extent is discriminatory, which puts such aspirants for admission to the courses in IITs, in disadvantageous who are under privileged and do not have familiarity to the computers at all, but are otherwise meritorious, based on their knowledge of subject and capacity to solve the problems. He contends that the figures show that given option, most of the aspirants opt for *pen and paper* mode, which suggests that the said mode is convenient for them. He has also submitted that on the one hand, most of the aspirants opt for the *pen and paper* mode, success rate of aspirants opting for *pen and paper* mode is substantially more than those succeeding through online mode (18% to 13%). He contends that there has not been due deliberations by the JAB, keeping these aspects in mind, while taking a decision to hold JEE-2018 only through *CBT* mode. He has relied on a study published on the website of National University of Education, Planning and Administration under Ministry of Human Resource, which suggest that only 26.42 per cent of Schools in India are having computer facility. The reliance has also been placed on Annexure-9A of the rejoinder



to the Second supplementary counter affidavit, to submit that in the State of Bihar, though 1368 Government Schools have been approved for Computer Lab, in none of the Schools, the computerization work has even started. He accordingly contends that students of such Government Schools which do not have any computer facility are going to suffer and face problems, if they are made to face computers at the JEE (Advanced)-2018.

14. Mr. Shekhar Singh has relied on Supreme Court's decisions, in the cases of **State of Tamil Nadu and Others v. K Shyam Sunder and Others**, reported in (2011) 8 SCC 737, **Mohini Jain (Miss) v. State of Karnataka and Others**, reported in (1992) 3 SCC 666 and **Dr. Jagdish Saran and Others v. Union of India and Others** (AIR 1980 SC 820).

15. Mr. Y. V. Giri, learned Senior Counsel appearing on behalf of the respondent no. 3 and 4, has on the other hand submitted that well considered policy decision of persons of eminence who have expertise and vast experience in the field of holding examinations, should not be interfered with by this Court, in exercise of jurisdiction under Article 226 of the Constitution of India.

16. He has next submitted that in the JEE (Main)



Examination- 2017, lacs of aspirants have appeared out of whom merely 2,24,000 candidates could qualify to appear for JEE (Advanced)-2017. The result for JEE (Main)-2018 is yet to be published. The wards of these petitioners are said to have appeared for JEE (Main)-2018 held in April 2018. Whether they will be appearing for JEE (Advanced)-2018, will depend on the result of JEE (Main). He contends that there is no other aspirant anywhere in the country who has raised such plea by approaching a Court of Law. He therefore, submits that this Court, at the instance of these two petitioners only, should not go into the correctness of the policy decision of the JAB, which has been taken in larger public interest of maintaining transparency, fairness and ensuring full proof mechanism in the background of the promise made by the JAB to the Supreme Court, as recorded in the order dated 10.07.2017, in case of **Balram Vishnu Subramani** (Supra).

17. He has thirdly submitted that the petitioners have tried to pursue this matter as a Public Interest Litigation, which is not permissible in the present proceeding. He has taken me to the Supreme Court's order dated 05.04.2018, recorded in **Writ Petition (Civil) No. 114 of 2018 (Sneha Chandrashekhar Fule & Others v. Union of India and**



Another), to submit that considering vulnerability of *pen and paper* mode of examination and advantages of *CBT* examination, the writ application has been dismissed by the Supreme Court, where similar issue was raised. He has recounted the advantages of the online examination which has been discussed in detail in the counter affidavits filed on behalf of the respondent nos. 3 & 4.

18. In reply, Mr. Shekhar Singh, learned Counsel for the petitioner, has submitted that the decision of the Supreme Court in case of **Sneha Chandrashekhar Fule (Supra)** is in the context of admission to All India Institute of Medical Sciences, where the admission tests are being held exclusively through *CBT* mode for last ten years and, therefore, no interference was found to be needed by the Supreme Court.

19. Mr. S.D. Sanjay, learned Additional Solicitor General, has, on the other hand, submitted on the basis of instructions received from the Ministry of Human Resource Development Department, that JAB of the IITs is independent to decide all modalities for JEE (Advanced) Examination. The decision of the JAB to hold JEE (Advanced) Examination from the year 2018 onward through *CBT* mode, finds support of the Ministry on the following grounds:-



- “1. The online test removes the possibility of human error in evaluation.*
- 2. It allows students to modify their answers during the course of the examination.*
- 3. The objective of online exam is not to test the computer skills of the candidates but to replace the pen and paper examination.*
- 4. All schools in the country, both in rural and urban areas impart basic knowledge of computer operation. Therefore, all students have the basic knowledge of computer operation.*
- 5. All it requires is to move the 'mouse' to the most suitable answer, and lock it with a click of the mouse.*
- 6. All examination centers have necessary infrastructure to deal with power cut or any other technical snag.”*

20. My attention has also been drawn to a communication made by the Special Secretary to the Government of India, addressed to Chairperson, CBSE, Commissioner Kendriya Vidyalaya Sangthan and Commissioner Jawahar Navodaya Vidyalaya Sangthan,



whereby, they have been requested to ensure that all students who qualify to write JEE Examination, based on the JEE (Main) rank, are allowed free access to the computer centers of all Schools under their platform, to take a Mock Test provided online by IIT Kanpur between 1st May to 15th May. He has submitted that the members of the JAB are men of eminence having expertise in the field of examination and policy making for that purpose. He has accordingly submitted that this Court may not interfere with such policy decision consciously taken by the experts in the interest of ensuring fair admission test and it should not be subjected to judicial review by this Court in exercise of power under Article 226 of the Constitution of India.

21. I have perused the pleadings and materials brought on record. I have examined the figures presented to this Court in respect of previous JEE (Main) and JEE (Advanced) held by the Board. The figures suggest that most of the aspirants given option, between *CBT* mode and *pen and paper* mode, have preferred *pen and paper* mode. The figures suggest that the aspirants mostly find it convenient to take the examination in *pen and paper* mode. At present, the Court, based on materials available on record,



does not have the essential tools nor information, however, to analyze this trend for adjudicating the issue raised in the present case. There is no material though, disclosed on behalf of the JAB that while taking the policy decision, these aspects have been kept in mind, particularly, when the figures indicate that success rate of those opting for pen and paper mode of test is substantially more than those opting for the CBT.

22. Mr. Giri, learned Senior Counsel appearing on behalf of the Board is at the same time correct while propounding broadly the proposition of law that this Court exercising power of judicial review under Article 226 of the Constitution of India, should not interfere with the conscious policy decision taken by the experts having expertise in the field of holding examination. While accepting the broad proposition, I am of the view that there is no absolute bar on the courts exercising powers under Article 226 of the Constitution of India, to testing the correctness of a policy decision in appropriate case. If the Court exercising power of judicial review under Article 226, finds any policy of the State within the meaning of Article 12 of the Constitution of India to be wholly irrational, arbitrary, unfair or unjust



infringing fundamental or legal rights of the citizens, the Court can certainly interfere with such policy decision. However, in the present case, I do not find any judicially determinable parameter for this Court to enter into the correctness of the decision of the JAB. I, rather find that there is no scope of entering into correctness of the decision of the JAB for this Court particularly in the light of Supreme Court's order, dated 05.04.2018, in case of **Sneha Chandrashekhar Fule** (Supra), which read thus:-

“Heard the learned counsel appearing for the parties.

In view of the difficulties pointed out in holding the off-line examination and the vulnerability of the same and advantages of the online system of examination, we are satisfied that there is no merit in the writ petition.

The writ petition is, accordingly, dismissed.”

(Emphasis is added)

23. This case cannot be distinguished from the case of **Sneha Chandrashekhar Fule** (Supra), on the plea that in that case, test for admission to MBBS course in AIIMS was in question, for the simple reason that the



academic eligibility criteria for both the courses are same with variance in subjects only (Biology in place of Mathematics, other subjects common). In both the cases, candidates who have passed 10+2 Examination are eligible to appear.

24. Since, considering the difficulties in holding offline examination and the vulnerability of the same and advantages of online system of examination, the Supreme Court has turned down the challenge of holding admission test exclusively through online system, this Court cannot entertain the challenge of the petitioners in the present case. The decisions of Supreme Court relied on by learned Counsel for the petitioners can have no application in view of direct decision of Supreme Court in case of **Sneha Chandrashekhar Fule** (supra).

25. There is yet another aspect. Mr. Giri is right in his contention that at the instance of these two petitioners, the test which is to be held nation-wide, need not be interfered with.

26. I, accordingly, do not find any merit in this application, which is accordingly dismissed.

27. Before I close this order, I am constrained to



comment on the stand taken by the JAB in one of its affidavits, when the Court wanted them to furnish to the Court the information in respect of number of candidates who had opted *CBT* mode and *pen and paper* mode in JEE (Main)-2016, JEE (Advanced)-2016 and JEE (Main)-2017. They declined to furnish the information on the ground that the examination was conducted by the CBSE. The Court had expected that before taking this crucial decision of holding JEE (Advanced) exclusively through *CBT* mode, they must have studied, examined and analyzed these figures for understanding the trend, psychology and the reason why the aspirants were/are preferring *pen and paper* mode to *CBT* mode. Since, the decision of the JAB has been concurred by the Central Government, this Court presumes that the Central Government must have appreciated the difficulties, which the aspirants might be facing as the reason while preferring *pen and paper* mode to *CBT* mode. These are policy matters which needed consideration, in my view with much more care and responsibility.

(Chakradhari Sharan Singh, J.)

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