

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.07.2018

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

WRIT PETITION No.13694 OF 2018

Minor Lakshmi Sree, L.
rep. through father and natural guardian
R.Lakshmanan

...Petitioner

Vs.

The Registrar/The Competent Authority,
IIT Kanpur,
Kanpur,
Uttar Pradesh

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus, calling for the records pertaining to the impugned order (clarification) dated Nil, issued by the Respondent against the original instruction given during the examination (held on 20.05.2018) is illegal and quash the same and consequently directing the Respondent to follow the instructions and award mark only as per their examples given in that and publish the mark, rank accordingly.

For Petitioner : Mr.R.Lakshmanan, Party-in-Person

For Respondent : Mr.Karthik K. Rajan
for M/s.Menon Karthik Mukundan

O R D E R

Petitioner has come up with this Writ Petition seeking to quash the impugned order passed by the Respondent against the original instruction given during the examination (held on 20.05.2018), as illegal and consequently direct the Respondent to follow the Instructions and award marks only as per the examples given in the Instructions and publish marks and rank accordingly.

2. According to the Petitioner/Party-in-person, his daughter viz. L. Lakshmi Sree has qualified in JEE Main and appeared in JEE Advanced on 20.05.2018 at ION Digital Zone, IDZ, Kundrathur, Chennai Institute of Technology, Chennai. During the examination, the following instructions were given to the candidates:

(a) This Sections contains EIGHT (08) questions, this answer to each question is a NUMERICAL VALUE.

(b) For each question, enter the correct numerical value (in decimal notation, truncated/rounded off to the second decimal place e.g 6.25, 7.00, -0.33, -.30, 30.27, 127.30) using the mouse and the on-screen virtual numeric keypad in the place designated to enter the answer.

(c) Answer to each question will be evaluated according to the following marking scheme.

Full marks: +3 IF ONLY the correct numerical value is entered as answer 4.

Zero marks: in all other cases.

3. It is further stated by the Petitioner that most of the candidates including his daughter have read the Instructions carefully and spent quality time to answer the questions by entering the correct numerical value in decimal notation, rounding off to the second decimal place, i.e. for example 7.00. However, some of the candidates, without reading the Instructions carefully, have given answers not upto the second decimal, which, according to the Petitioner, is against the Instructions given during the examination.

4. In this regard, a clarification was made by the Respondent in the website, which is against their own Instructions given during the Examination. The clarification is, as under:

(i) If an answer is the integer 11 (Eleven), all answers entered as 11, 11.0 or 11.00 will be correct.

(ii) If an answer is exactly the number 11.5 (Eleven-point-five), all answers entered as 11.5 or 11.50 will be correct.

5. The grievance of the Petitioner is that if marks are awarded to candidates, who have not strictly followed the Instructions, it will affect the marks and ranks of candidates like that of his daughter, who have followed the Instructions carefully and spent their valuable time during the Examination to answer the questions by rounding the numerical value to the second decimal place. In this regard, the Petitioner sent an e-mail to the Respondent on 01.06.2018, with a request to follow only the Instructions given during the Examination and not to follow the clarification given after the Examination. As there was no reply from the Respondent, the Petitioner has come up with the present Writ Petition.

6. When this matter was taken up 'for admission' on 07.06.2018, this Court ordered notice to the Respondent and passed an interim order to the following effect:

"6. Since already there are original instructions, the Registrar/Competent Authority, IIT Kanpur, Kanpur, Uttar Pradesh, is directed to evaluate online examination papers based on the instructions that were available prior to the examination. Subsequent clarification shall not be taken note of and hence, there shall be an interim order not to evaluate the examination papers based on the clarification issued subsequent to the examination. It is made clear that if evaluation had been done based on the clarification issued after the examination, allotment of seats shall not be based on the same."

7. After notice, the Respondent has entered appearance by filing counter affidavit. According to the Respondent, the clarification issued by the Respondent, in no way, changes, alters or adds to the Instructions given to the candidates at the time of attempting the question papers. To the contrary, the same only explains the manner of evaluation and in fact, the results of JEE (Advanced) 2018 have been published on 10.06.2018 and the evaluation has been done on the basis of the Instructions given to the candidates prior to the examination.

8. It is further stated in the counter that the reason for the clarification being issued was that queries were being addressed to the IITs from various candidates expressing their concern that they had been informed by various coaching centres/non-IIT entities that the evaluation will be done on a "string of characters", entered by the candidates and not on the numerical value of the entry made by the candidates. Moreover, each set of Instructions has at least three distinct parts: (i) the number of questions contained in that section, (ii) the type of question, i.e. whether it is a numerical-answer-type, whether amongst the given choices either one or more options are correct, or only one option is correct; (iii) the next instruction tells the candidate the marking scheme where applicable. The last part of each of these Instructions informs the candidate about the manner in which the question would be evaluated and the marking scheme applicable.

9. Similarly, in Section 2 of each of the subjects in both papers, the same scheme is followed and the candidate is informed that (i) the number of questions contained, where the

answer to each question is a numerical value; (ii) the correct numerical value has to be entered (in decimal notation, truncated/rounded off to two decimal places) and (iii) the evaluation and marking scheme is "Full marks: +3 if only the correct numerical value is entered as answer and "0" in all other cases". In other words, by way of an illustration, if the correct answer was the value two (2) and the candidate had not entered 2.00, the impression given by these entities to the candidates was that their answer would be marked as incorrect. This is however, not the case, since the correct answer being two (the numerical value 2), the candidate would get full marks regardless of whether (s)he had entered 2, 2.0, 2.00 or 2.000, etc.

10. The Petitioner/Party-in-person submitted that his daughter is a bright student and that she ought to have been selected and given a Mechanical Engineering seat in the first round of counselling itself.

11. Learned counsel appearing for the Respondent submitted that counselling is going on and depending upon the availability of seats, the Petitioner's daughter could be allotted a seat that she may require, after the final round of counselling, if she is otherwise found eligible. To substantiate his stand, learned counsel for the Respondent has relied on a decision of the Apex Court in the case of *Ran Vijay Singh vs. State of Uttar Pradesh* reported in 2018 (2) SCC 357, wherein, it is held as follows:

"30.3. The court should not at all re-evaluate or scrutinise the answer sheets of a candidate - it has no expertise in the matter and academic matters are best left to academics.

30.4. The court should presume the correctness of the key answers and proceed on that assumption; and

30.5. In the event of a doubt, the benefit should go to the examination authority rather than to the candidate."

12. In reply, the Petitioner/Party-in-person submitted that when the candidates were given specific Instructions during the Examination, the same have to be followed and the candidates, who have strictly adhered to the same will have to be benefitted rather than the candidates, who have not followed the Instructions.

13. The decision relied on by the learned counsel for the Petitioner in *Ran Vijay Singh's* case may not be applicable to the case on hand, as this Court is not going to evaluate the

Answer Sheets of the Petitioner's daughter or any other candidate, who has written the examination. This Court has no doubt that answers after the decimal point may not have any value, be it .0 or .00. However, the decimal notation is very important, as it not only tests the answers given by the students, but also their shrewdness in reading the entire Instructions and writing answers.

14. In this regard, though the contention of the learned counsel for the Respondent appears to be sound, without rendering any finding on the answers given by the candidates, this Court is of the view that candidates who have assigned numerical values as answers, which are rounded off to two decimal places, as per the original Instructions given by the Respondent during the Examination, will have to be given preference over candidates, who, according to the Respondent, have also given correct answers by rounding off the numerical values to one decimal place or without any decimal notation. By giving such preference, the total number of candidates, who have been selected are not going to be affected, instead, their ranking alone will be changed.

15. Since this Court had already passed an interim order directing the Respondent herein not to evaluate the examination papers based on the clarification issued subsequent to the examination, this Court, by way of the present Writ Petition, directs the Respondent herein to allot seats to the candidates including the Petitioner's daughter, only based on the original Instructions given to them during the Examination, more particularly with regard to rounding off the numerical values to two decimals, and not based on the clarification issued after the Examination.

The Writ Petition is allowed with the above direction and observation. No costs.

Sd/-

सत्यमेव जयते Deputy Registrar (CS)

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Sub Assistant Registrar

(aeb)

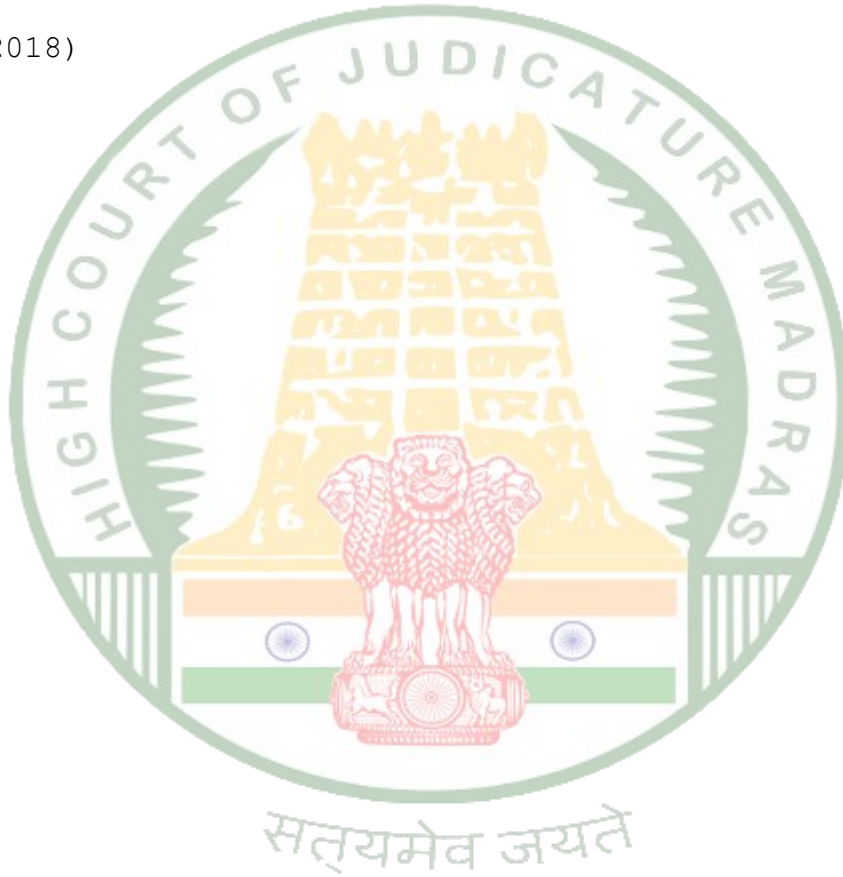
To:

The Registrar/The Competent Authority,
IIT Kanpur, Kanpur, Uttar Pradesh.

+1cc to Mr.R.LAKSHMANAN, Advocate, S.R.No.42383
+1cc to Mr.MENON KARTHIK Advocate, S.R.No.42416

Order in
W.P.No.13694 of 2018

TR(05/07/2018)



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