

**HON'BLE SRI JUSTICE SURESH KUMAR KAIT
AND
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI**

W.A.No.1931 OF 2017

JUDGMENT: (ORAL)

(per Hon'ble Sri Justice Suresh Kumar Kait)

Vide the present appeal, the State of Telangana has challenged the order dated 11.07.2017 passed in W.P.No.6742 of 2017, whereby the learned Single Judge held as under:

“Therefore, the Writ Petition is allowed and the action of 2nd respondent in holding that option (1) for Question No.178 is not correct and that Option (4) is the correct answer, is arbitrary and illegal and violates Article 14 of the Constitution of India. Accordingly, respondents are directed to treat the correct answer to Question No.178 in the subject examination as ‘Option (1); grant the petitioner 1 extra mark if he had given the said option’; then re-evaluate his OMR sheet, and consider his case for the post of Constable for which the 2nd respondent had conducted physical test and written examination. This exercise shall be completed within eight weeks from the date of receipt of a copy of this order. No costs”.

2. Thereafter, the appellants sought for expert's opinion on 07.09.2017 and 08.09.2017 and based upon that, the present appeal is filed.

3. It cannot be disputed under the law that the judicial order shall prevail over any other proceedings including the administrative order. The counsel for the appellants failed to establish that what is irregularity and perversity in the order dated 11.07.2017 in W.P.No.6742 of 2017.

4. The present appeal cannot be entertained based on the Expert's opinion, which was taken on 07.09.2017 and

08.09.2017 reiterating the earlier opinion which has already been considered by the learned Single Judge of this Court.

5. Moreover, it is not in dispute that the qualifying examination for the post of police constable is a pass in Intermediate examination. The syllabus for the same would be prescribed in the Intermediate course. When the text book of Economics published by the Telugu Academy, Hyderabad, for the II year Intermediate course stated in chapter 4.8 at page No.110 that the three important forms of pollution are air pollution, water pollution and sand pollution, the appellants cannot contend that this answer given by the respondent is not correct and what the committee of Experts decides alone (i.e., that major forms of pollution are air, water and land pollution) is the correct answer.

6. Based on the above mentioned recorded facts, the learned Single judge of this Court opined that the view expressed by the Committee of Experts is contrary what is contained in the text book of II year Intermediate course Economics subject. If a candidate, like the respondent herein, gives answer on the basis of contents of the said prescribed text book, the appellants cannot take the plea that the answer given by the respondent is incorrect and the answer decided by the Committee alone is correct. As long as the answer given by the respondent is contained in the Text book prescribed in the Intermediate course. Thus the

qualifying examination for the post in question, the 2nd appellant has to accept the same and cannot say that the answer is something else.

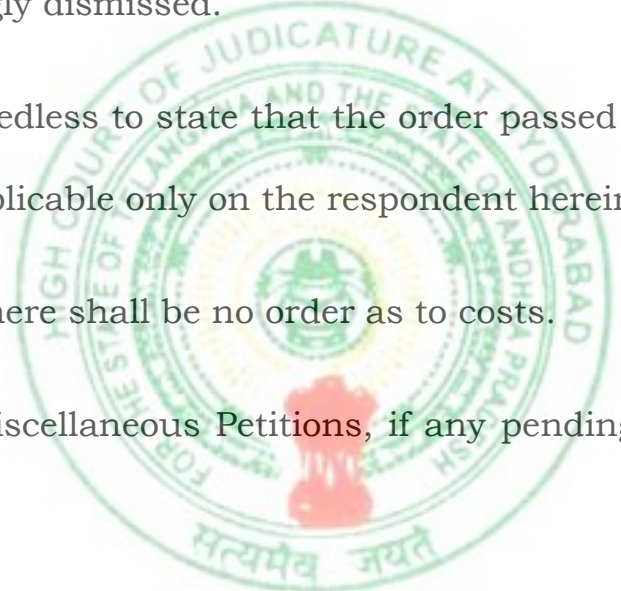
7. In view of the facts and circumstances of the case and after hearing the learned counsel for the parties at length, we find no illegality or perversity in the order dated 11.07.2017 passed in W.P.No.6742 of 2017.

8. Finding no merit in the instant appeal and the same is accordingly dismissed.

9. Needless to state that the order passed by this Court shall be applicable only on the respondent herein only.

There shall be no order as to costs.

Miscellaneous Petitions, if any pending, shall stand closed.



SURESH KUMAR KAIT, J.

ABHINAND KUMAR SHAVILI, J.

Date : 29-01-2018
Gvl

