

**CWP no. 15518 of 2018 (O&M)
and connected case**

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

1. CWP no. 15518 of 2018 (O&M)

Laxmi Singh

....Petitioner(s)

Versus

Union of India and others

...Respondent(s)

2. CWP no. 15646 of 2018 (O&M)

Arpit Lohan

....Petitioner(s)

Versus

Union of India and others

...Respondent(s)

Date of Decision : 05.09.2018

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR JUSTICE MAHABIR SINGH SINDHU**

Present : Mr.Anil Kumar Lamdharia, Advocate for the petitioner(s)
in CWP no. 15518 of 2018

None for petitioner in CWP no. 15646 of 2018

Mr.M.S.Longia, Advocate for respondent no.2

Mr. Harsh Aggarwal, Advocate for respondent no.3

MAHESH GROVER, J.(ORAL)

Short affidavit on behalf of respondent no.3 (in CWP no.15518
of 2018) has been filed in the Court today and the same is taken on record.

A copy thereof has been supplied to the counsel opposite.

Reports of the Expert Committee (in both cases) have been
produced in sealed cover in Court today. They have been opened and

perused.

By this order we will dispose of two civil writ petitions bearing CWP nos. 15518 and 15646 of 2018.

Both the petitioners had appeared in the National Eligibility cum Entrance Test being desirous of seeking admission to MBBS/BDS course for the current session 2018-19. They disputed the answer key provided to a few questions and applied for their correction by depositing the requisite fee of Rs.1,000/-. The Expert Committee went into the issue but did not find the objection of the petitioners valid and thus negated the plea, which is now the cause of the grievance to the petitioners who contend that the Expert Committee did not consider the questions appropriately and rather themselves have commented that an alternate answer is possible. It is contended that if that be so then they would be entitled to benefit of marks.

In CWP no.15518 of 2018 the disputed question is as below:-

“**24.** Which of the following is correct with respect to -I effect of the substituents? (R=alkyl)

- (1) -NH₂<-OR<-F
- (2) -NR₂>-OR>-F
- (3) -NH₂>-OR>-F
- (4) -NR₂<-OR<-F

In CWP no. 15646 of 2018, the disputed questions are as below:-

“**39.** Which of the following is correct with respect to -I effect of the substituents? (R=alkyl)

- (1) -NR₂>-OR>-F

(2) $\text{-NH}_2\text{<-OR<-F}$

(3) $\text{-NH}_2\text{>-OR>-F}$

(4) $\text{-NR}_2\text{<-OR<-F}$

40. Which of the following statement is not true for halogens?

(1) Chlorine has the highest electron-gain enthalpy.

(2) All form monobasic oxyacids.

(3) All but fluorine show positive oxidation states

(4) All are oxidizing agents.”

We had during the course of hearing called for the records of the Expert Committee and have satisfied ourselves by looking into the consideration accorded by the said committee. The procedure adopted by the Committee upon a challenge by the candidate is as below:-

Process of Challenges made by the candidates

Process for making challenge is as follows:-

1. After the examination is over now it is known that which paper has been administered, its answer key is checked once again by the Moderators and hosted on website for making the challenges by the candidates.

2. Candidates are going to their login account and thereafter as per the set received by them on the day of examination, they are making the challenges, if they have any observation on the draft answer.

3. As from one set of question paper,

many sets of question papers are prepared by jumbling the questions and their responses, hence, one question is given different-different number in various sets. Therefore, when challenges would be made by the candidates, this question will fall at various number in different sets.

4. These questions challenged are un-jumbled and thereafter all challenges of one question is printed altogether.

5. Now, Moderators will read the observations made by candidates in their challenges and thereafter they will decide the challenge made by the candidate. In case, if it is observed that candidates have given same observation and that observation is considered correct then the answers in the draft answer key will be changed otherwise this will remain the same as it was earlier.

6. The Moderators, if required giving the explanation while the answer decided by them is correct as they have finalized the question at the time of making of question paper. Being the expert in the field, their decision is accepted by the CBSE and based on their suggestions, draft answer key is made final and thereafter based on the final answer key, marks of all the candidates are calculated and result is prepared.”

They have also appended the objection raised by the petitioners qua the aforesaid questions and the inputs provided by them. The deliberation of the Committee is reflected in its answer which also finds mention in the records.

After considering the matter, we are of the opinion that once the Committee of Experts has looked into the issue there would be little room for the Courts to intervene, particularly, when the process adopted by the Committee is transparent and allows correction after getting inputs from the candidates themselves. It is not a case where the Committee has not made changes wherever necessary, which also lends credence to the exercise. We thus do not find any reason to interfere with the process which is broadly fair and there are no traces of malice in it. No ground to interfere is made out. Hence, instant petitions are hereby dismissed.

Reports of Expert Committee (in both cases) are returned to the learned counsel for the respondent no.3.

(Mahesh Grover)
Judge

05.09.2018
rekha

(Mahabir Singh Sindhu)
Judge

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No