

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****Date of decision: 12.07.2018****CWP No.16817 of 2018**

Sushma Rani

...Petitioner

Vs.

State of Haryana & others

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr. Raj Kumar Gupta, Advocate, for the petitioner.

RAJIV NARAIN RAINA, J.

The petitioner is short of one mark to qualify the Haryana Teachers Eligibility Test (HTET) making her ineligible for selection to the post of PGT (Chemistry). She scored 89 as against minimum 90 marks required in the general category to make the cut. Although the petitioner had qualified the written examination conducted pursuant to Advertisement No.4 dated 28.06.2015 but it was on scrutiny of documents that the Haryana Staff Selection Commission (for short 'the Commission') discovered her ineligibility of failing to make the cut in the HTET. This petition has been filed claiming that the answer keys in respect of questions No.26 & 30 was wrong while for question No.37, the Commission had chosen to give two options as correct, whereas the answer should be one as per terms of the advertisement.

If the petitioner succeeds in any of her objections filed before the Commission, she would enter the zone of consideration for interview etc.

The petitioner contends that answers to questions No.26 and 30 are in contravention with NCERT books. Question No.37 of Part-II, Level-3/1316 indicates answers (2) & (4) as correct, whereas Note – 9 of the guidelines printed on the booklet specifically provides that *‘out of the four alternatives for each question, only one circle for the most appropriate answer is to be darkened completely’*. This is the only question where two answers are correct in a set of 150 questions.

Questions No.26 and 30 read as follow:

“26. A student works hard to get first rank in his class. The type of motivation behind his hard work is:

- (1) Intrinsic motivation
- (2) Extrinsic motivation
- (3) Zero motivation
- (4) None of the above

xxx

xxx

30. During which of the following stage, children develops ‘Object permanence’?

- (1) Sensory Motor Stage
- (2) Pre-operational Stage
- (3) Concrete Operational Stage
- (4) Formal Operational Stage”

The answer key provides the correct answer as option (2) ‘Extrinsic motivation’ in respect of question No.26 and option (1) ‘Sensory Motor Stage’ in respect of question No.30. Both the aforesaid questions are from the subject of Psychology. The answer of question No.30, as per Piaget’s Theory of Cognitive Development, ‘Pre-operational Stage’ is the second stage in the theory beginning around age 2-7 years. The petitioner

has chosen this i.e. option (2) for the question. As per search on the Net 'Sensory Motor Stage' is the first of the four stages. Jean Piaget defines 'Cognitive Development' of a child as one during this period in his/her relationship between their bodies and the environment. "Object Permanence" is the understanding that objects continue to exist even when they cannot be perceived (seen, heard, touched, smelled or sensed in any way). According to this view, it is through touching and handling objects that infants develop object permanence. 'Object Permanence' starts to develop from 4-7 months of age and involves an understanding that when things disappear they are not gone forever. Before this age a baby understands this constitutes the things gone, completely gone. There is nothing wrong in the answer key, as answer (1) 'Sensory Motor Stage' is the correct answer. The petitioner has ticked option (2) 'Pre-operational Stage' which is incorrect.

Similarly, for the answer to question No.26 is option (2) i.e. 'Extrinsic motivation', the petitioner insists upon option (1) i.e. 'Intrinsic motivation', which is not the correct answer.

Since the answers are correct and made by experts to which deference has to be paid, the petitioner cannot have advantage of one mark added to her score to make her eligible.

As far as question No.30 is concerned, I find nothing irreconcilable between Note-9 and the Commission devising two correct answers to one question amongst 150 objective type questions. This is by way of brain searching, which examinations are all about. It is not unknown that there are questions which have more than one correct answer. No prejudice has been caused to the petitioner if one of the questions had two

correct answers. Both would earn credit of one mark. Thus, she cannot take any advantage of this either.

At this stage, learned counsel for the petitioner argues that one grace mark should be given to the petitioner, as it involves her livelihood. Any grace mark given to the petitioner would be in the realm of compassion and sympathy which if accorded would be misplaced. When the competition is razor sharp, grace marks are out of place type of relaxation and when not statutorily supported is of no essence. Besides, the award of a grace mark to one candidate (for the wrong reason) would open up a Pandora's Box with everyone in running entitled to equal treatment which may have to be given to all, which course if adopted, would only frustrate and delay the selection process thereby seriously jeopardizing public interest in the matter of public appointments to Government service by way of direct recruitment.

For the reasons recorded above, no ground for interference is made out in this petition warranting award of 1 mark to make the petitioner eligible and, accordingly, the same is ordered to stand dismissed in limine.

12.07.2018
Vimal

[RAJIV NARAIN RAINA]
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>No</i>