

HIGH COURT FOR THE STATE OF TELANGANA

THE HON'BLE THE CHIEF JUSTICE SRI RAGHVENDRA SINGH CHAUHAN

AND

THE HON'BLE SRI JUSTICE A. ABHISHEK REDDY

WRIT PETITION No.28692 of 2009

Date: 11.12.2019

Between:

Voleti Mallikarjuna and another

... Petitioners

and

The Government of Andhra Pradesh,
Rep. by its Principal Secretary,
School Education Department,
Secretariat, Hyderabad, and others.

...Respondents

Counsel for the petitioner : Mr. K. R. Prabhakar

Counsel for the respondents : GP for Services I

The Court made the following:

ORDER: *(per the Hon'ble the Chief Justice Sri Raghvendra Singh Chauhan)*

The petitioners are aggrieved by the order dated 03.11.2009, passed by the Andhra Pradesh Administrative Tribunal at Hyderabad, whereby the learned Tribunal has disposed of O.A.No.7669 of 2019 filed by the petitioners along with other O.As.

Briefly the facts of the case are that the petitioners were aspirants for the posts of Physical Education Teachers. In pursuance of the Notification issued by the DSC, 2008, they had applied for the said post. According to the petitioners, they have answered all the 200 questions in the written examination. However, when the answer key was released by the official respondents, they discovered certain glaring mistakes, absurdities and incorrect answers in the answer key. According to the petitioners, there were twenty questions, which were incorrectly answered in the answer key. Therefore, they filed the O.A. before the learned Tribunal.

Before the learned Tribunal, the petitioners had pleaded that the final key issued by the authorities is an incorrect one; in fact, it is full of mistakes. Therefore, they claimed that the official respondents therein should be directed to award the correct marks and the final key of the DSC, 2008 should be revised.

However, according to the impugned order, the learned Tribunal concluded that while the answers to three questions,

namely question Nos.62, 128 and 198 were invalid answers, the answers to the other questions were correctly shown in the answer key. Having concluded thus, the learned Tribunal directed the official respondents to award half mark for each answer pertaining to question Nos.62 and 128 to all the candidates who have appeared in the selection for the posts of Physical Education Teachers, in pursuance of the notification issued by the DSC, 2008. With regard to question No.198 in Booklet-D, the Tribunal directed the respondents to award half mark to such of the candidates, who have chosen option No.4 as the answer prescribed, and to re-cast the merit list and to consider the claim of the applicants, if they come within the zone of consideration, according to the merit for appointment to the posts of Physical Education Teachers. Since the petitioners are still aggrieved by the impugned order dated 03.11.2009, they have filed the present writ petition before this Court.

The learned counsel for the petitioners submits that the petitioners are not aggrieved by the fact that the learned Tribunal has directed the respondents to award half mark each to question Nos.62 and 128, and further directed the respondents to award half mark to question No.198 to those who have chosen option No.4. However, the petitioners are aggrieved by the fact that the learned Tribunal has not held that the answers shown in the answer key for the other eleven questions are incorrect ones. According to the learned

counsel, the learned Tribunal has erred in concluding that the answers to these eleven questions were correct ones. Therefore, the impugned order deserves to be interfered with.

On the other hand, Mr. Karthik, the learned counsel for the respondents, submits that since the respondents were aggrieved by the order dated 03.11.2009, they have filed series of writ petitions before this Court, namely W.P.Nos.9627 of 2010 and batch of cases. By common order dated 10.06.2010, a learned Coordinate Bench had dismissed the writ petitions filed by the respondents. The learned Coordinate Bench has upheld the order passed by the learned Tribunal. Moreover, since the respondents were aggrieved by the common order dated 10.06.2010, they had filed a series of S.L.Ps before the Hon'ble Supreme Court, namely S.L.P. (Civil) Nos.4620-4638/2011. However, by judgment dated 11.07.2013, the said S.L.Ps were dismissed. Thus, even the Apex Court has confirmed and upheld the order passed by the learned Tribunal. Hence, the conclusion of the learned Tribunal that the answers to the eleven questions were correctly shown in the answer key had been upheld even by the highest Court. Hence, this Court would not be justified in interfering with the order passed by the learned Tribunal. Moreover, it is too late in the day to interfere with an order passed as far back as 2009, as those persons who were selected and appointed have continued to work in their respective posts since 2009 i.e., for the last one decade.

In catena of cases, the Hon'ble Supreme Court has opined that it is not for the Courts to interfere with the answers given in the answer keys. It is a matter to be entrusted to the Expert Committee.

By the impugned order dated 03.11.2009, the learned Tribunal had clearly observed that *"regarding the other questions disputed by the applicants, this Tribunal is not with the applicants for the simple reason that the key supplied by the respondents is correct and do not call for any interference, except the three questions referred to supra"*. This finding of the learned Tribunal has been upheld not only by this Court, but also by the Hon'ble Supreme Court. Therefore, this Court would not be justified in upsetting the judicial findings, that too, so late in the day.

Therefore, for the reasons stated above, this Court does not find any merit in the present writ petition. It is, hereby, dismissed.

As a sequel, miscellaneous petitions, pending if any, shall also stand dismissed.

(RAGHVENDRA SINGH CHAUHAN, CJ)

(A. ABHISHEK REDDY, J)

Date: 11.12.2019
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