

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.27211 and 44467 OF 2018

COMMON ORDER

Since the issue involved in both the writ petitions is one and the same, they are being disposed of by this common order.

Both the writ petitions are filed seeking to declare the final key published by the 2nd respondent dated 3.5.2018 and revised final key published on 29.5.2018, without considering the objections of the petitioners to certain questions as arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India and consequently, direct the respondents to constitute Expert Committee to consider the objections of the petitioners and to correct the final key and revise the result of the petitioners as per their entitlement.

Heard Sri S.Rahul Reddy, learned counsel appearing for the petitioners, learned Government Pleader for Education appearing for the 1st respondent and Sri D.Bala Kishan Rao, learned Standing Counsel appearing for the 2nd respondent-Telangana State Public Service Commission

Pursuant to the notification dated 21.10.2017 issued by the 2nd respondent, the petitioners have appeared for the written examination. The grievance of the petitioners is that

in the written examination, some questions were given ambiguously yielding more than one answer and in respect of some questions, though the petitioners have answered correctly, in the final key published by the respondents, they were shown incorrect. Hence, they are deprived of their right of securing valuable marks though they answered the questions correctly. To strengthen their case, the petitioners have relied upon certain material.

Learned counsel appearing for the petitioners submits that the exercise undertaken by the respondents in finalizing the final key without consulting the experts is arbitrary and illegal and that appropriate direction be given to the respondents to award marks to the petitioners in respect of the questions to which they have written correct answers.

Learned Standing Counsel appearing for the 2nd respondent contends that the preliminary key was published on 14.3.2018 giving time to the candidates to file their objections from 21.3.2018 to 31.3.2018; that objections were received and those objections were referred to the Expert Committee consisting of 19 Professors from different Universities and based on the report of the Expert Committee, final key was published on 3.5.2018; that again objections were called for and sent to the Expert Committee and after

consulting with the Expert Committee, revised final key was published on 29.5.2018; and that ranking list was published on 25.6.2018. Learned Standing Counsel further contends that since the petitioners herein have not submitted objections to the preliminary key, they cannot contend that the final key is erroneous; that two questions were deleted based on the objections received from the candidates; that after consultation with the experts minute care was taken for publishing the final key correctly; and that no illegality has been committed by the respondents.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the petitioners are relying on some text books to strengthen their case that the answers written by them are correct and final key published by the respondents is incorrect. Learned Standing Counsel for the 2nd respondent relied on the report of the Expert Committee to contend that the final key published by the respondents is correct. In view of the same, it is difficult for this Court to adjudicate the matter since this Court has no expertise knowledge to deal with the disputed questions. When both the parties are relying on certain documents to prove their case, it would be appropriate to refer the matter once again to the Expert Committee consisting of

academicians to re-examine the disputed questions by looking into the material placed before this Court and prepare a revised final key, and if there is any change in the final key, it should be extended to the candidates who have participated in the said selections.

Accordingly, the Writ Petition is disposed of directing the respondents to refer the disputed questions numbering 14 to the Expert Committee consisting of academicians for further examination within a period of two weeks from the date of receipt of a copy of this order. Based on the report of the Expert Committee, final key has to be published by the respondents and if there is any change in the final key, after consultation with the Expert Committee, the said benefit has to be extended to the candidates who have appeared in the examination, including the petitioners herein. No costs.

Miscellaneous petitions, if any, pending shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

21st February, 2019
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