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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**CM-477-CWP-2019 in/and
CWP-30648-2018
Date of decision: 18.01.2019**

Krishan

...Petitioner

Versus

State of Haryana and others

...Respondents

CORAM:HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Jasbir Mor, Advocate for the petitioner.

Mr. Rajesh K. Sheoran, Addl. A.G., Haryana
for respondent No. 3.

Ritu Bahri, J. (Oral).

CM-477-CWP-2019

This is an application for directing respondent-Commission to
take interview of the petitioner for the post of PGT (Maths).

Dismissed as having been rendered infructuous.

CWP-30648-2018

Learned counsel for the respondents has shown a letter dated
17.01.2019 which is taken on record as Annexure A-1.

In this letter, it has been mentioned that questions mentioning
in para 3 of the letter, question Nos. 13, 38, 40 and 42 have been analysed
by the Committee of three experts and no discrepancy has been found in the
answer key of the Board. Once the questions have been considered by the
Committee of three experts, no further enquiry is to be conducted in this
aspect.

At this stage, a reference can be made to the Supreme Court
judgment in *U.P.P.S.C., Through its Chairman and another V/s. Rahul*

Singh and another 2018(3) S.C.T. 298 in which the Supreme Court was examining the case with respect to incorrect answer key and it was held that when there are conflicting views with respect to the answer key, then Court must bow down to opinion of experts as the Judges cannot be experts in all fields and they must exercise great restraint and should not overstep their jurisdiction to upset opinion of experts. Relevant portion is reproduced below:-

“12. The law is well settled that the onus is on the candidate to not only demonstrate that the key answer is incorrect but also that it is a glaring mistake which is totally apparent and no inferential process or reasoning is required to show that the key answer is wrong. The Constitutional Courts must exercise great restraint in such matters and should be reluctant to entertain a plea challenging the correctness of the key answers. In Kanpur University case (supra), the Court recommended a system of - (1) moderation; (2) avoiding ambiguity in the questions; (3) prompt decisions be taken to exclude suspected questions and no marks be assigned to such questions.

13. As far as the present case is concerned even before publishing the first list of key answers the 9 Committee recommended that 5 questions be deleted and in 2 questions, key answers be changed. It can be presumed that these committees consisted of experts in various subjects for which the examinees were tested. Judges cannot take on the role of experts in academic matters. Unless, the candidate demonstrates that the key answers are patently wrong on the face of it, the courts cannot enter into the academic field, weigh the pros and cons of the arguments given by both sides and then come to the conclusion as to which of the answer is better or more correct.

14. In the present case we find that all the 3 questions needed a long process of reasoning and the High Court itself has noticed that the stand of the Commission is also supported by certain text books. When there are conflicting views, then the court must bow down to the opinion of the experts. Judges are not and cannot be experts in all fields and, therefore, they must exercise great restraint and should not overstep their jurisdiction to upset the opinion of the experts.

In the present case, the questions have been analysed by a Committee of three experts, no interference is required to be made.

Writ petition is dismissed.

(RITU BAHRI)
JUDGE

18.01.2019

Divyanshi

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