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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Decision: 1st February, 2019

+ W.P.(C) 1068/2019 & CM No. 4865/2019

SURJEET & ORS

..... Petitioners

Through: Mr. Manoj Kr. Bhatnagar and
Mr. A.P.S. Jadaun, Advs.

versus

**CENTRAL BOARD OF SECONDARY
EDUCATION (CBSE) & ANR**

..... Respondents

Through: Mr. Amit Bansal and
Ms. Seema Dolo, Advs. for R-1

CORAM:

HON'BLE MR. JUSTICE C. HARI SHANKAR

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J U D G M E N T (O R A L)

1. The grievance of the petitioner is regarding certain errors – as he perceives them to be – in the answer key issued and circulated by the Central Board of Secondary Education (CBSE) in respect of the Central Teacher Eligibility Test (CTET) held by it on 9th December, 2018, in which the petitioner participated. According to the petitioner, certain answers, in the answer key, were erroneous. The writ petition complains that though the said errors were pointed out by the petitioner, in his representation to the CBSE, the revised answer key, as circulated by the CBSE, did not correct the said errors.

2. While examining such matters, the jurisdiction of this Court is circumscribed by the law, well settled in this regard, in a catena of pronouncements by the Supreme Court. One may refer, with advantage, to a recent decision, in **UPPSC v. Rahul Singh, (2018) 7 SCC 254**. In the said case, too, the candidate was aggrieved with the answer key issued by the authority concerned. In para 12 to 14 of the judgment, the Supreme Court cautioned all Courts, dealing with such matters, in the following words :

“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 Commission had got the key answers moderated by two expert committees. Thereafter, objections were invited and a 26 member committee was constituted to verify the objections and after this exercise 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.”*

(Emphasis Supplied)

3. Viewed in the background of the law as enunciated in ***Rahul Singh (supra)***, I am of the opinion that no case for interference by this Court in the present matter can be said to exist.

4. The grievance of the petitioner relates to the answers to Question Nos. 4, 12, 66, 71, 81, 85, 90, 95 and 110 in the answer key. A tabulated representation of the questions, the answers as contained in the answer key circulated by the CBSE, and the correct answer, in the perception of the petitioner, may be provided thus:

Question. No.	Question	Answer in the answer key	Correct answer according to the petitioner
4.	Teacher can utilize both assessment for learning and assessment of	(4) know children progress and achievement	(1) know learning needs of child and select teaching strategy

	learning to –	level	accordingly.
12	Which one of the following is an emotion?	(1) Fear	(1) Fear (3) Stimulus
66	The rate of dissolution of a solute depends on –	(2) Surface Area	(1) Temperature (2) Surface Area (4) Pressure
71	In EVS teaching learning; linking classroom, learning to life outside school and enriching it implies –	(4) Going beyond the text book	(1) Linking text book to global environmental issues and concerns
81	Women are weaker than men; It is a –	(4) Myth	(2) Stereotype
85	Which National Curriculum Framework (NCF) recommended Environmental Studies to be taught as an integrated curricular area at the primary level ?	(3) “NCF 1975”	(4) “NCF 2005”
90	Which one of the following is responsible for turning Taj	(1) Sulphur Dioxide	(1) Sulphur Dioxide (4) Nitrogen Dioxide

	Mahal yellow?		
95	According to the observation in the National Curriculum Framework (NCF)-2005, English is a _____ language in India	(4) Second	(3) Global
110	Which of the following words is not a synonym of the word <i>sarit</i> ? (Translated)	(3) <i>Pravah</i>	(1) <i>Jay Mala</i> (3) <i>Pravah</i>

5. Learned counsel for the petitioner emphatically submits that the answers as suggested by him conform to the NCERT text books, which, even as per the CBSE, had to constitute the basis of working out the answers to the questions.

6. As already noted hereinabove, the jurisdiction of this Court, in such matters, is heavily circumscribed. It is not for this Court to re-evaluate the correctness of the answers contained in the answer key provided by the CBSE. There may be extreme situations, where the error in the answer key is self-evident. For example, if the question sought is the sum of 4+2, there can be only one possible answer to it

which is 6. If, therefore, the answer key of the CBSE suggests another answer, for example 7, this Court would immediately interfere, as the error is self-evident.

7. The perusal of the questions and answers, with which the petitioner is aggrieved, however discloses that the answers to the questions are not self-evident. No doubt, if one were to proceed into a detailed analysis and reasoning of the questions, peruse textbooks and re-analyse the nature of the questions, it may be possible that what the petitioner states is correct. Such an exercise, however, cannot be undertaken by this Court, in exercise of the power of judicial review as provided by Article 226 of the Constitution of India.

8. It is not disputed that, consequent to the receipt of objections, a revised answer key was issued by the CBSE after the suggestions received were examined by experts. Mr. Bansal, learned counsel for the CBSE, points out that individual responses to the various candidates could hardly be expected, keeping in mind the number of objections which were received and the time constraints within which the results had to be announced. He submits, that after a holistic apprehension of all the objections received by them, the CBSE had issued a revised answer key, and that this Court ought to let the matter rest at that.

9. The submission of Mr. Bansal, in my view, is well taken. In matters such as this, the Court would be well advised not to sit as an

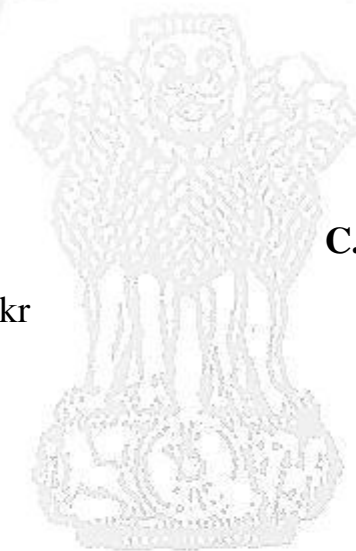
appellate authority over the decision of the CBSE, regarding the correct answers to the questions. To reiterate, where the error is not self-evident, the Court cannot reappreciate the questions, or assess for itself the correct answers thereto.

10. For all the above reasons, this Court regrets that it is unable to come to the aid of the petitioner. The writ petition is, therefore, dismissed with no orders as to costs.

Dasti.

C. HARI SHANKAR, J

FEBRUARY 01, 2019/kr



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