

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

Sr. No.106

**CM No.4416 & 4288-CWP-2020 in/and
CWP No.20220 of 2018
DATE OF DECISION: March 20, 2020**

RISHU GOYAL AND OTHERS

..PETITIONERS

VERSUS

STATE OF PUNJAB AND OTHERS

..RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Ms. Alka Chatrath, Advocate with
Ms. Daljit Kaur, Advocate, for the petitioners.

Mr. Kuldip Sanwal, Advocate,
for the applicants-petitioners No.2, 8, 14, 16 to 18, 23, 30, 33
and 37.

Ms. Sabina Dhir, DAG, Punjab.

SUDHIR MITTAL, J. (ORAL)

CM-4416-CWP-2020

This application has been filed for directions to permit the applicants to provisionally appear for the selection process, the last date for application of which is 23.03.2020.

I do not deem it appropriate to pass any order on this application as with the consent of the parties, the main case itself is being decided today.

The application thus stands disposed of.

CM-4288-CWP-2020

This application has been filed for advancing the date of hearing in the main case.

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Notice of motion was issued on 13.03.2020 for today and learned State counsel has no objection in case the date in the main case is advanced to today.

Accordingly, the application is allowed and the date in the main case is advanced to today. The main case is taken on board today itself.

CWP-20220-2018

The petitioners appeared for the Punjab State Teacher Eligibility Test (PSTET-2017) which was held on 25.02.2018. On conclusion of the test, the concerned authorities invited objections to the answer key uploaded on 05.03.2018. The petitioners and some other similarly situated persons filed objections. Some of these objections were accepted and a revised answer key was uploaded on 13.04.2018 along with the result of the test. The grievance of the petitioners is that the answer key was not properly revised and certain answers uploaded in the revised answer key were also incorrect.

Replies on behalf of the State as well as the university have been filed.

Although, in the writ petition objections have been taken to a large number of answers given in the revised answer key, learned counsel for the petitioner has confined her argument to the answers in respect of question Nos.49, 96 and 131. She has argued that the answer in the revised answer key to question No.49 is incorrect and the same has been admitted in the written statement filed on behalf of the respondents. The correct answer to the said question is option 'C' whereas the answer as per the revised

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answer key option 'B' is mentioned. In respect of question No.96, there is an ambiguity because the Punjabi version of the said question does not give the unit of weight in respect of the correct answer. Thus, all students have to be given benefit of the ambiguity. So far as question No.131 is concerned, option 'C' is the correct answer whereas the revised answer key mentions option 'B' as the correct answer.

Learned State counsel submits that so far as the question No.49 is concerned answer key records option 'C' as the correct answer and thus, there is no error. Regarding question No.96, she places reliance on note No.10 in the question paper, which is as follows:

“(10) The question paper will be both in English & Punjabi. In case of any doubt, English version will be taken as final.”

The submission is that all candidates have basic knowledge of the English Language as they are aspiring to be teachers and thus, the submission that they are unable to read the English Language cannot be accepted. In respect of question No.131 option 'B' is the correct answer and not option 'C' as argued by the learned counsel for the petitioners.

Question No.49 pertains to the meaning of the expression 'Tattsam Shabad'. A reference to the revised answer key shows that the option mentioned therein is 'C' and the petitioners accept that the said option is the correct answer. Thus, there is no error in the revised answer key so far as the said question is concerned.

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In question No.96, there is an ambiguity as in the English Language, 'kilogram' is mentioned as the unit of weight whereas the said unit of weight is not mentioned in the Punjabi version. However, a reference to note No.10 referred to hereinabove shows that the English version is to prevail. Reliance upon *Manmit Singh vs. State of Punjab and another, 2015(2) PLR 796*, placed by counsel for the petitioner cannot be accepted as in the said judgment, the argument on behalf of the State that basic knowledge of English Language must be possessed by all applicants has not been considered. All applicants for the Teachers Eligibility Test are aspiring to be teachers and it is expected that they would have basic knowledge of the English Language. They cannot claim complete ignorance of the said language and if they are, then, they do not deserve to be appointed as teachers. Thus, the argument in respect of this question raised by learned counsel for the petitioners deserves to be rejected.

Regarding question No. 131, the correct option according to the petitioners is 'C' whereas that mentioned in the revised answer key is 'B'. The question pertains to average permissible noise level as per the Environment Protection Act. To examine the correctness of the answer, I have referred to the Schedule annexed with the Act wherein day time noise limit 'in an area of silence zone' is given as '50db'. 50db is option 'C' and the petitioners are correct. Reliance upon option 'B' by the respondents on the ground that average of the day time and night time noise level was the correct answer cannot be accepted.

Accordingly, the revised answer key is incorrect so far as question No.131 is concerned. The petitioners who have not been given

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benefit of the said answer deserve credit of one mark.

The writ petition is partially allowed. All students who have given option 'C' as the correct answer to question No.131 deserve to be awarded one mark and in case, the said addition to their total makes them eligible, they shall be entitled to apply for the recruitment mentioned hereinabove. The respondents shall carry out the necessary revision latest by 23.03.2020. The last date for submission of online applications will accordingly be extended to 25.03.2020.

March 20, 2020
Ankur

(SUDHIR MITTAL)
JUDGE

Whether speaking/reasoned	Yes
Whether Reportable	Yes