

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

CWP-3253-2022

Date of Decision: March 23, 2022

RAJEEV KUMAR AND ANOTHER

..... PETITIONERS

Versus

STATE OF HARYANA AND ANOTHER

..... RESPONDENTS

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Karan Singh, Advocate for
 Mr. Charanji Lal, Advocate for the petitioners.

Mr. Sandeep Singh Mann, Addl. AAG, Haryana (on advance
notice).

LISA GILL, J.

This matter is being taken up for hearing through video conferencing due to the outbreak of pandemic, COVID-19.

This writ petition has been filed for quashing answer key (Annexure P6) alleging that an incorrect answer is reflected as the correct one in respect to Question No. 99. It is further prayed that HTET (Haryana Teacher Eligibility Test) 2021 Level-3 (PGT History) be quashed qua the petitioners to the extent the petitioners have not been declared qualified. It is further prayed that respondent No. 2 be directed to revise the answer key by correcting the answer of Question No. 99 in Set D of question paper for PGT History, which is stated to be incorrect and to declare the petitioners as qualified after awarding one mark to them qua the said question.

Learned counsel for the petitioners submits that respondent No. 2 is not justified in declaring the petitioners as ‘not qualified in HTET test’ on the basis of answer key, which has incorrect answers especially in respect to question No. 99, in view of the books of respondent No. 2 itself and other material submitted by the petitioners alongwith objections.

It is submitted that petitioners took the HTET exam in the subject of History Level 3 on 18.12.2021. The controversy sought to be raked up is that the answer to Question No. 99 in set D, option No. 2 has been wrongly mentioned to be the correct option in the answer key, whereas option No.4 is the correct answer. Question No. 99 as reproduced in the writ petition reads as under:-

“99. Read the following statements carefully:-

- (1) In 1948 Government of India appointed a committee-JVP consisting of Jawahar Lal Nehru, Vallabhbhai Patel and Pattabhi Sitaramayya to look into the issue of linguistic states.
 - (2) The committee advised against the creation of linguistic states.
- Choose the Correct Code:
- (1) Only statement (i) is true.
 - (2) Only statement (ii) is true.
 - (3) Neither statement (i) nor (ii) is true.
 - (4) Both statements are true.”

Learned counsel for the petitioners submits that petitioners have rightly answered this question by opting for option No.4 and they are entitled to one mark for the question. The qualifying marks are 90. Petitioners have secured 89 marks and in case one mark is afforded for this question, they would be considered qualified. It is relevant to note that the averments in paras 12 and 13 of the writ petition read as under:-

“ 12. xx xx xx

That as regards question No.99, as per the answer key, the option No.(2) is correct option. However, as a matter of fact, all the 4 options are correct.

13. That the petitioners because due to the wrong and incorrect answer key of question No.99, as they have been shown “Not Qualified” due to securing 89 marks. The petitioners have rightly answered these questions. Hence, the petitioners are entitled to mark for the said question also.”

I have heard learned counsel for the petitioners at length.

It is a settled position that the Court would not enter into this arena, which is otherwise the field of experts until and unless rare and exceptional circumstances are brought forth. In the absence of any such circumstances correctness of the answer keys should be presumed and in the event of doubt, benefit should go to the examination authority rather than the candidate. Gainful reference in this regard can be made to a recent decision of a Division Bench of this Court passed in **Nishant Dutta versus Punjab & Haryana High Court through Registrar General, Sector-1, Chandigarh and two others, 2021(2) SCT 607**, while discussing various judgments of the Hon’ble Supreme Court as well as on the issue.

It is pertinent to note that challenge has been raised in this petition on the ground that it is the fourth option to Question No.99 which is the correct answer and which has been so answered by the petitioners. Though, being conscious of the settled position that the Court not being an expert is not to delve into the correctness or otherwise of the answer keys, it is relevant to note that it is a matter of common general knowledge that the Committee – JVP

consisting of Jawahar Lal Nehru, Vallabhbhai Patel and Pattabhi Sitaramayya was constituted by the Congress party in 1948 and not by the Government of India. Therefore, answer key is absolutely correct. Option No. 4, as has been opted for by the petitioners, is an incorrect answer. Furthermore, even the documents sought to be relied upon by the petitioners have not been examined deeply before filing this writ petition. Reference has been made to the book titled 'Indian Polity' written by M. Laxminath published by McGraw Hill Education Ltd. and it is mentioned on page 11 of the writ petition that it is stated on page 5.4 of this book that "Accordingly, the **Congress** (emphasis added) constituted Linguistic Provinces Committee in 1948. It comprised Jawahar Lal Nehru, Vallabhbhai Patel and Pattabhi Sitaramayya". Reference was made to certain extracts on Indian Polity (Annexure P9) wherein also it is clearly mentioned that subsequent to Dhar Commission report, 'Congress' constituted a different Linguistic Provinces Committee. It is thus apparent that petitioners have failed to even build the foundation of their sole plea or substantiate it in any manner, leave alone point out any rare or exceptional circumstance which calls for any interference by this Court. Clearly, present writ petition is misconceived.

No other argument has been addressed.

Accordingly, this writ petition is dismissed with no order to as costs.

March 23, 2022

rts

(LISA GILL)
JUDGE

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