

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

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LPA No.642 of 2022 (O&M)
Date of Decision: August 4th, 2022

Chandni and others

....Appellants

Versus

State of Punjab and another

....Respondents

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE SANDEEP MOUDGIL**

Present: Mr. Prince Goyal, Advocate
for the appellants.

Ms. Monica Chhibber Sharma, Senior Deputy Advocate General,
Punjab.

AUGUSTINE GEORGE MASIH, J.

CM-1485-LPA-2022

Prayer in this application is for condonation of delay of 17 days
in filing the appeal.

For the reasons mentioned in the application, which is supported
by an affidavit of applicant/appellant No.1, the same is allowed.

Delay of 17 days in filing the appeal stands condoned.

CM-1486-LPA-2022

Prayer in this application is for permission to place on record
documents Annexures A-1 to A-5.

Application is allowed subject to just exceptions.

Documents Annexures A-1 to A-5 are taken on record.

LPA No.642 of 2022

Grievance as has been highlighted in this appeal is that the
learned Single Judge vide his judgment dated 30.05.2022 while deciding a
bunch of four writ petitions, where the challenge was to the final answer key
which had been upheld by State Council for Educational Research and

Training (SCERT)-respondent No.2, which had conducted the Teacher Eligibility Test (I) for the State of Punjab for selection of teachers for Class 1 to 5 has been dismissed without appreciating the grievance as has been raised by the appellants with regard to question Nos.5, 44, 67, 75, 122, 138 and 147 i.e. seven in number.

2. Learned counsel for the appellants, with reference to the questions and the material on the basis of which the correctness of the answer key has been challenged, contends that the said material clearly makes out that the answer key which has been upheld and has been taken as the correct answer key, is in fact incorrect. Reference in this regard has been made to the said material which was referred to before the learned Single Judge as well as before us.

3. When confronted with the observations of the learned Single Judge with regard to the jurisdiction as has been conferred upon the Courts and the scope and ambit of interference by the Courts while exercising its discretionary and the powers of judicial review under Article 226 of the Constitution where the matters are purely academic in nature, counsel for the appellants is unable to contradict the same, rather he contends that the Court has the jurisdiction to interfere when there is a patent error which is visible without scrutinizing and going into the technical aspects relating to the academic matters. Counsel contends that reliance has been placed by the appellants on such material which is generally relied upon and read by the candidates. Even the students are imparted teaching through those materials, therefore, non-interference on the part of the learned Single Judge is not justified or acceptable. The effect thereof is that the appellants who are deserving candidates and would secure the requisite marks for qualifying the

said teachers eligibility test would be rendered ineligible for participating in the selection process. An irreparable loss would be caused to them as they would lose the chance to compete in the posts to be advertised. Counsel on this basis contends that the order passed by the learned Single Judge be set aside and the submissions of the appellants/petitioners be accepted granting all candidates seven grace marks each for the seven questions.

4. Having considered the submissions made by the counsel for the appellants and with his assistance, on going through the pleadings, material on record as also the judgment of the learned Single Judge, we find no merit in the contention as has been raised.

5. Perusal of the judgment passed by the learned Single Judge would clearly show that the learned Single Judge has taken extra pain while going through the material placed on record by the appellants and after evaluating the same, within the limited scope for interference, has appreciated each and every aspect with regard to the challenge to the correctness of the answer key. The reason assigned for non-accepting the submission of the appellants is fully justified and the conclusions drawn cannot be faulted with. This we state in the light of the limited jurisdiction which a Court exercises while considering the submissions and grievances as have been highlighted by a candidate while challenging the correctness of the final answer key which is based upon the report of the experts.

6. The Hon'ble Supreme Court in ***Kanpur University and others Versus Samir Gupta and others, 1983 AIR (SC) 1230*** has laid down the limits within which the Constitutional Courts can exercise their extraordinary powers. It has been said that the Court would proceed to allow the challenge to be made to the correctness of the question or answer key only if on the face of it, the

said question or the answer key is wrong. The assumption of correctness of the answer key is attached unless it is proved to be wrong and that by an inferential process of reasoning or by process of rationalisation, the same cannot be held to be wrong. It must be clearly demonstrated to be wrong where no reasonable man well-versed in a particular situation would record the said answer key to be correct. The Court is not competent to examine the correctness of the actions taken by the subject experts leaving the Constitutional Courts with a limited jurisdiction. The Court should be extremely reluctant to substitute its own views and leave academic matters to the experts, who are professional men possessing technical expertise and rich experience of actual day to day working of educational institution and the departments controlling them. The Court should not make a pedantic and purely idealistic approach to the problems which are isolated from actual reality and grass root problems involved in the working of system unmindful of consequences which would emanate from such interference.

Reference in this regard may be made to the judgment of the Hon'ble Supreme Court in ***Maharashtra State Board of Secondary and Higher Secondary Education and another Versus Paritosh Bhupesh Kurmarsheth etc., AIR 1984 SC 1543.***

7. In ***Ran Vijay Singh and others Versus State of U.P. and others, 2018 (1) S.C.T. 334***, Hon'ble Supreme Court in paras 30 and 31 of the judgment has held as follows:-

“30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are: (i) If a statute, Rule or Regulation governing an examination permits the re-evaluation of an answer sheet or scrutiny of an answer sheet as a matter of right, then the authority conducting

the examination may permit it; (ii) If a statute, Rule or Regulation governing an examination does not permit re-evaluation or scrutiny of an answer sheet (as distinct from prohibiting it) then the Court may permit re-evaluation or scrutiny only if it is demonstrated very clearly, without any “inferential process of reasoning or by a process of rationalisation” and only in rare or exceptional cases that a material error has been committed; (iii) The Court should not at all re-evaluate or scrutinize the answer sheets of a candidate – it has no expertise in the matter and academic matters are best left to academics; (iv) The Court should presume the correctness of the key answers and proceed on that assumption; and (v) In the event of a doubt, the benefit should go to the examination authority rather than to the candidate.

31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse – exclude the suspect or offending question.”

8. In the light of the above, where the Courts are not experts in the field, interference has to be only on the limited aspects within the parameters as have been laid down in the various judgments passed by the Courts. The principles as enunciated have to be followed and respected.

We find the judgment passed by the learned Single Judge to be well within those limitations and balanced approach on the part of the Court while exercising its writ jurisdiction calling for no interference by us in this

appeal.

9. The present appeal, therefore, stands dismissed.

(AUGUSTINE GEORGE MASI)
JUDGE

August 4th, 2022
Puneet

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned Yes

Whether reportable	Yes
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