

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

**CWP-20552-2016 (O&M)
Date of Decision: 24.08.2022**

Riya Singla

...Petitioner

VS

State of Punjab and others

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR MITTAL

Present: Mr. Abhinav Gupta, Advocate
for the petitioner.

Ms. Akshita Chauhan, DAG, Punjab.

Mr. R.K.S. Brar, Advocate
for respondent No.3.

SUDHIR MITTAL, J. (ORAL)

The petitioner has applied for the post of Science Mistress pursuant to advertisement dated 20.11.2015. Her application was accepted and she was issued an admit card for the written test to be held on 29.07.2016. Candidates could attempt questions in any three of the five subjects i.e. Botany, Chemistry, Physics, Zoology and Maths. The petitioner opted for Botany, Chemistry and Zoology. Each paper was of 50 marks, total being 150 marks. Pass marks were 50% i.e. 75 out of 150 but petitioner scored only 74 which was inclusive of 2 grace marks each in the subjects of Zoology and Chemistry and 1 grace mark in Botany. The grace marks were awarded as certain objections to the answer key uploaded on 13.08.2016 were found to be correct. Accordingly, amended answer key was published on 31.08.2016 along with the final result. As stated earlier, the petitioner failed as she could not obtain the minimum prescribed marks despite having been granted a total of 5 grace marks in 3 different subjects.

Learned counsel for the petitioner has argued that the answer key for

question No.43 in the subject of Botany was incorrect. According to the same, option (b) was the correct answer whereas in fact, both options (b & c) were correct as is evident from extracts from Trueman's Elementary Biology, Text Book for Class XI prescribed by N.C.E.R.T and Saraswati Biology for Class XI collectively annexed as Annexure P-12. Affidavits filed by the Assistant Director, Education Recruitment Directorate-cum-Director General School Education, Punjab were incorrect and adequate explanation has been given in the counters filed thereto on behalf of the petitioner. Thus, the writ petition deserves to be allowed and petitioner deserves to be granted one additional mark.

Learned State counsel as well as learned counsel for respondent No.3 submit that there is no error in the answer key. Learned State counsel states that clarification was sought from Guru Nanak Dev University, Amritsar according to which the answer key is correct. Explanation for the same has been given vide Annexure R-1 to affidavit dated 07.09.2017 filed by the Deputy Director, Education Recruitment Directorate, Department of School Education, Punjab. Reliance has also been placed upon text book titled as 'A Text Book of Botany Angiosperms by Dr. B.P. Pandey'.

Based upon the submissions made by learned counsel for the parties this Court is required to opine whether the answer to question No.43 in the subject of Botany, as mentioned in the amended answer key, is correct? Both sides have relied upon material extracted from text books on the subject. The State has also relied upon clarification given by the Guru Nanak Dev University, Amritsar. Under the circumstances, the Court has no option but to accept the stand of the State as the Court possesses no expertise in technical academic matters. If experts on the subject differ in their opinions, the Court must lean in favour of the examiner as otherwise it would result in confusion and delay in declaration of the

equally and have either been given credit for the answer or denied the same. No individual candidate can thus have any grievance. In CWP No.9225-2022, titled as Chandni and others vs. State of Punjab and others and connected cases decided on 30.05.2022, this Court has held that interference in academic issues as the present one should not normally be made.

In view of the above, the writ petition is dismissed.

(SUDHIR MITTAL)
JUDGE

August 24, 2022
P.Bhatt

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