

LPA-521-2018 (O&M)

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

(PROCEEDINGS THROUGH V.C.)

LPA-521-2018 (O&M)

Date of decision : 08.03.2022

Sidharth Singla

.....Appellant

VERSUS

Central Board of Secondary Education and another

....Respondents

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

Present: Mr. Sushil Saini, Advocate,
for the appellant.

Mr. Kannan Malik, Advocate
for the respondents.

AUGUSTINE GEORGE MASIH, J. (ORAL)

Challenge in this appeal is to the order dated 06.03.2018 passed by the learned Single Judge, whereby the writ petition preferred by the appellant – petitioner, who appeared in UGC-NET-2017 examination in the subject of Computer Science on 05.11.2017 was declared unsuccessful as he could not obtain the cut off marks, has been dismissed.

Learned counsel for the appellant asserts that the appellant is short by only two marks. In question No.13 of paper-II, various options were provided. Appellant had marked option (2) in the said question.

Earlier the answer key, which was uploaded, indicated option (2) as the

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correct one but subsequently, it was revised to option (1), because of which the marks which the appellant would have been entitled to, has been declined to him. Counsel asserts that the change of the option, as made by the respondents, is contrary to the literature. Reliance has been placed upon the material in the form of books to substantiate such contention. Counsel for the appellant, on this basis, submits that the change in the answer key, where the option has been changed for question No.13 is not sustainable as it is found in the material that the said option given by the appellant is correct. He, therefore, submits that the order dated 06.03.2018 passed by the learned Single Judge may be set aside and the appeal be accepted with a direction to the Central Board of Secondary Education, which has conducted the UGC-NET, to revise the result of the appellant and declare him pass.

This contention of the learned counsel for the appellant cannot be accepted as it is a settled law that the Courts are not Experts and these matters have to be left to the Experts of the particular fields to determine the subject. The issue which has been raised by the appellant relates to Computer Science, of which the Courts would not be an Expert to comment thereon. It is settled principle of law in **Surinder Pal & others Vs. State of Punjab & others** 2013 SCC OnLine P&H 8843 that the Courts cannot act as an examiner or evaluator or selection board to examine discrepancies either in question papers of answer-sheets and interference of the Courts in such like matters and that too, in the writ petition, is unacceptable.

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The judgment passed by the learned Single Judge, therefore, cannot be faulted with.

Finding no merit in the present appeal, we dismiss the same.

In the light of the above, CM-1414-LPA-2018 also stands disposed of as no order is required to be passed in this application.

(AUGUSTINE GEORGE MASIH)
JUDGE

08.03.2022
Harish

(SANDEEP MOUDGIL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No