

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

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**CWP-415-2023 (O&M)
Date of decision: 02.02.2023**

Devvret Sharma and others

...Petitioners

Versus

State of Haryana and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARNARESH SINGH GILL

Present: Mr. Ravinder Bangar, Advocate for the petitioners.

HARNARESH SINGH GILL, J. (ORAL)

Prayer in the petition under Article 226/227 of the Constitution is for issuance of a writ in the nature of certiorari quashing the result/answer key dated 19.12.2022 (Annexure P-6) of Haryana Teacher Eligibility Test (HTET) Level-3 for Post Graduate Teachers (PGT) 2022, held on 03.12.2022, qua some disputed questions as mentioned in Para Nos. 9 and 10 of the petition.

Learned counsel for the petitioners submits that the petitioners had appeared in the HTET Level-3 exam for various posts of PGT published on 19.11.2022 by respondent No.4-Haryana Public Service Commission and that the test was conducted on 03.12.2022 and the objections along with requisite fee were submitted online by the petitioners on 06.12.2022, but even then the objections were not dealt with by the respondent. It is further submitted that the revised answer keys were published by respondent No.3 on 19.12.2022 and it was observed by the petitioners that correction was required qua some questions and, therefore, the petitioners made a representation dated

22.12.2022 to respondent No.3 but till date no action thereon has been taken.

Learned counsel for the petitioners has given the details of the disputed questions, which are as under:-

“Question No. 39: ‘Tatsam-tadbhav’ ki drishti se asangat viklap chuniya:

1. Lomasa-Lomri 2. Rajju- Rassi 3.Pashan- Pathar 4. Mastak- Matha.

PGT Set C, Q. Number 39 Option (1) Lomasa-Lombdi is the correct answer because in Tatsam the fox is called Lomshika and therefore fox is said in this question, the option (1) should be considered inconsistent because this word (lomashika) is written in Class-VII Sanskrit book Ruchira Part 3 NCERT page 29. The equivalent of fox is fox. Bhiwani Board has accepted option 3 as correct or option (1) is also considered correct, so, the marks may be given for that question. The copy of proof is annexed as Annexure P-8.

Question No. 44: Kis viklap me visarg sandhi ka prayog hua:

1. Yudhisthir 2. Vyovridh 3. Propdesh 4. Nisthur

Option No. 2 has been shown as a correct answer but option no. 2 & 4 both are right answers and it is proved from the various books. Which are being taught in all the schools of the State. That as per the book namely Manak Hindi Vayakaran Avam Rachana which is recommended for Class-VII. So, benefit of doubt be given to all the petitioners. It has been proved from the lucent book the relevant has been mentioned on page no. 38. The relevant part of these books are annexed as Annexures P-9 to P-11.

Question No. 91: ‘Merdeka Cup’ is associated with:

1. Hockey 2. Golf 3. Football 4. Badminton.

That according to answer key the right answer is 3 and petitioner no. 1 filled option 3 in the OMR Sheet, but marks not given to the petitioner no. 1 because earlier he tried to fill the option no.1 and it was slightly marked but from the perusal of OMR Sheet the option 3 was clearly adopted and option no 3 is correct according to answer key, so, the marks for that question be given to the petitioner no.1. The OMR Sheet of the petitioner no.1 is annexed as Annexure P-12.

Question No. 97: What percentage of body fat makes a man obese?

1. 20% 2. 25% and above 3. 30% and above 4. 35% and above

That according to answer key the option no.2 has been shown as a correct answer, whereas, option 3 is a correct answer instead of option 2, according to the various books like as NCERT and it has been mentioned on page no.295 and according to the Sarasvati Publication, it has been mentioned on page no. 124. The copies of proofs are annexed

as Annexure P-13.

Question No.110: The meaning of Samadhi Yoga is:

1. Self Realization 2. Individual Discipline 3. Mediation 4. Breath Control

That according to the answer key the option 1 has been shown a right answer but the option 3 is also right answer according to the book of Dr. P.M. Jojaf for physical education and the relevant part has been shown on page No. 561, so, the both answer may be considered. The copy of proof is annexed as Annexure P-14.

The details of disputed question No. 39 in Fine Art exam of Set-C, Sub-Code 920, Level-3, is as under:-

Question No. 39: He painted series of paintings based on 'Rajasthan', name of artist:

1. S.H. Raza, 2. M.F. Hussain 3. F.N. Souza 4. Satish Gujral

That according to earlier answer key the right answer was shown option 1 but according to the final answer key the right answer was shown as option 1 & 2, so, it was confusing answer and it has been proved from the both answer keys, so, the benefit of doubt may be given to the petitioner no. 4 for that question because it was confusing answer. The copies of both answer keys are annexed as Annexure P-15.

I have heard the learned counsel for the petitioners at length and have also gone through the case file.

At this stage, learned State counsel, present in Court, submits that the objections submitted by the petitioners had duly been considered by the subject experts and accordingly, the result was finalized. It is, thus, submitted that once the subject experts have already dealt with the objections raised by the petitioners, the petitioners cannot be allowed to re-agitate the same on the basis of assumptions.

After considering the rival contentions, this Court finds that the result of written test was declared by respondent No.3-Board of School Education Haryana, Bhiwani, after considering the objections raised by the petitioners. As far as Question No. 91 is concerned, as there was a scratch,

though little bit, the evaluation thereof was rightly done by the Board. It is the terms and conditions of the advertisement, which govern the whole process and the question papers are set by the experts and maintain secrecy. There is no allegation of misconduct on the part of the subject experts. The Court is not to reevaluate or scrutinize the answer key as the Court is not the expert of the academic matters.

As per the law settled by the Hon'ble Supreme Court of India in Civil Appeal No.367 of 2017 titled as '**Ran Vijay Singh and others vs. State of Uttar Pradesh and others**', the candidates only have a right to raise objections qua the answer key and the grievance can be put to the subject experts for their opinion and after report of the subject expert, Court does not have jurisdiction to entertain any further grievance qua the answer key. As per the Ran Vijay Singh (supra) even if, there exists a grey area after the report of the subject expert qua any of the question in the written examination, the benefit has to go to the recruiting agency and not to the candidates. Relevant paragraph of the judgment is as under:-

“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 reevaluation 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.”

In view of the above, this Court is of the view that question

papers are prepared by experts after taking into consideration all the points and the Board itself has issued the revised answer key, which shows that the Board has rectified the discrepancies. This Court restrains itself from re-evaluating or scrutinizing the answer key dated 19.12.2022 as the same has already been looked into by the academicians. As the Board has declared the result after considering the objections raised by the petitioners, this Court finds no anomaly in the answer key.

Finding no merits present petition, the same is dismissed.

(HARNARESH SINGH GILL)
JUDGE

02.02.2023
Mangal Singh

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