

**CWP-7780 of 2022 (O&M)
and other connected cases**

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

**CWP-7780 of 2022 (O&M)
and other connected cases
Date of decision: 20.01.2023**

Karam Singh Chopra and others

..Petitioners

Versus

State of Punjab and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. H.C.Arora, Advocate, and
Ms. Sunaina, Advocate
for the petitioners (in CWP-7780 of 2022).

Mr. Rajeev Dev Sharma, Advocate and
Mr. Mohd. Yousaf, Advocate
for the petitioner(s) (in CWP-17501 of 2022)

Mr. Vishal Aggarwal, Advocate and
Mr. Aayush Goyal, Advocate,
for the petitioners (in CWP-17640 of 2022)

Mr. Prince Goyal, Advocate,
for the petitioners (in CWP-8662 of 2022)

Mr. R.S.Pandher, DAG, Punjab

ANIL KSHETARPAL, J(Oral)

1. These four identical writ petitions have come up for the final disposal.
2. The dispute is with regard to the correctness of revised answer key published by the competent authority after conducting the PSTET-II Test.
3. This Court has heard the learned counsels representing the parties at length along with the able assistance rendered by Ms. Jaspreet Talwar, IAS, Principal Secretary, School Education, Punjab and two subject

experts, namely, Sh. Kuldip Puri, Professor Education, Punjab University and Dr. Kulwinder Singh, Professor Education, Punjabi University.

4. There is no dispute that initially the provisional answer key was notified and uploaded for inviting the objections by the candidates. The candidates filed their objections which were referred to the Committee comprising of 3 subject experts, who had not set the question papers. After considering the objections, the revised key was uploaded. Certain objections submitted by the candidates were also accepted by the Committee constituted for considering the objections.

5. The learned counsels representing the petitioners have tried to impress upon this Court to exercise the powers of judicial review on the ground that certain questions asked in the exam are vague, ambiguous and confusing.

6. This court has considered the submissions of the learned counsels representing the parties.

7. The case has been deliberated for more than 3 dates of hearing. This Court does not find that there was any patent error either in the questions or in the options given for an answer.

8. As far as, the ambiguity in the questions is concerned, this Court does not have the wherewithal to opine about the same particularly on the subjects, that are purely academic and require assistance of the subject experts.

9. Recently, the Hon'ble Supreme Court in **Vikesh Kumar Gupta vs. State of Rajasthan and others (2021) 2 SCC 309** and **Ran Vijay Singh and others vs. State of Uttar Pradesh and others, (2018) 2 SCC 357**, has

examined the scope of judicial review. It was held that once the objections have been examined by the subject experts of some eminence, it would not be appropriate for the Court to interfere unless any apparent error on the face of the questions is demonstrated before the Court.

10. However, the learned counsel representing the petitioners relies upon the judgment passed by the Division Bench in Hardep Kaur and another vs. Punjab Public Service Commission and others (LPA No.1459 of 2018, decided on 14.01.2019), which only holds that if the answer to the question is doubtful, the benefit should go to the candidate.

11. The Supreme Court in the judgments noticed above, has held that the court should start with the presumption that the experts have applied their judicious mind and wisdom while setting the question paper and proposing the answer key. Moreover, in this case, another Committee of the subject experts was constituted and it has examined the objections filed by the candidates. This Court is not expected to sit in appeal against the opinion of the experts where they have done their job prudently and reasonably.

12. Keeping in view the aforesaid facts, this court does not find it appropriate to issue the writ as prayed for.

13. Hence, all the writ petitions are dismissed.

14. All the pending miscellaneous applications, if any, are also disposed of.

January 20, 2023
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(ANIL KSHETARPAL)
JUDGE

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