

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

108

CWP-9181-2023 (O&M)
Date of decision: 29.04.2023

Mahesh Kumar and another

...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 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-2 for Trained Graduate Teachers (TGT) 2022, held on 04.12.2022, qua some disputed questions as mentioned in Para Nos. 10 and 11 of the petition.

Learned counsel for the petitioners submits that the petitioners had appeared in the HTET Level-2 exam for various posts of TGT (Physical Education) published on 21.02.2023 by respondent No.4-Haryana Staff Selection Commission; that the test was conducted on 04.12.2022 and thereafter, a draft answer key was published by respondent No.3; that the objections qua the answer key along with requisite fee were submitted online within time by the petitioners on 07.12.2022, 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 thereafter, the petitioners made a representation dated 22.12.2022 (Annexure P-8) to respondent No.3 qua disputed question Nos. 35 and 41 in 'Set-D' 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. 35: ‘Jigyasa Ka stic samanarthi hai:

1. Utkantha 2. Gyanepsa 3. Bancha 4. Lchcha.

TGT Set D, Q. Number 35 Option (1) Utkantha is the correct answer according to the Lucent Book but, the Board has been shown option (2) Gyanepsa as a right answer instead of option (1) i.e. Utkandha, so, the marks may be given for that question.

Question No. 41: Earlier option No.4 was shown as correct for the question in the Draft key and according to the OMR sheet of petition N.2 his answer was correct, but later on revised answer key was published, wherein option No.3 was shown as correct instead of option No.4, due to which petitioner No.2 lost the chance to qualify the exam.

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

After considering the 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. 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

29.04.2023
Mangal Singh

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