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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
BEFORE
HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV
+ **W.P.(C) 839/2020**

Between: -

RAHUL RANJAN
AGED 26 YEARS
S/O SH. RAMANUJ SINGH
R/O CHHOTPUR COLONY
CHHAJARSI
SECTOR 63, NOIDA

.....PETITIONER NO.1

DEVENDER SINGH
AGED 24 YEARS,
S/O SHRI PREM SINGH RAWAT
R/O A-71, STREET NO. 5
EAST VINOD NAGAR
DELHI - 110091

.....PETITIONER NO.2

VIPIN KUMAR
AGED 33 YEARS
S/O SURENDER SINGH
R/O 206 A, BHANGER MOHALLA
MADANPUR KHADAR
NEW DELHI 110076

.....PETITIONER NO.3

(Through: *Mr. Anuj Gupta, Advocate.*)

AND

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Signing Date: 08.11.2023
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UNIVERSITY GRANT COMMISSION
THROUGH ITS CHAIRPERSON

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By: PURUSHAINDRA
KUMAR KAURAV

BAHADUR SHAH ZAFAR MARG
NEW DELHI - 110002

.....RESPONDENT NO.1

NATIONAL TEST AGENCY
THROUGH ITS CHAIRPERSON
C-20 1A/8, SECTOR 62
IITK OUTREACH CENTRE,
NOIDA-201309

.....RESPONDENT NO.2

(Through: Mr. Apoorv Kurup and Ms. Kirti Dadheech, Advocates
for R-1.
Ms. Seema Dolo, Advocate for R-2.)

% Pronounced on: 07.11.2023

JUDGMENT

1. The petitioners in the instant petition under Article 226 of the Constitution of India seek for issuance of writ to allow the admission/enrollment of the petitioners in UGC-NET 2019-2020 for Junior Research Fellowship (*hereinafter referred to as 'JRF'*) and to grant them the certificates of JRF and NET.

2. The facts of the case are that the petitioners applied for the JRF and NET examination in the subject of Political Science (Subject Code 02) conducted by respondent no.2-National Testing Agency (*hereinafter referred to as 'NTA'*). The petitioners appeared in the said examination on 05.12.2019 in the second shift.

3. On 10.12.2019, they accessed the provisional answer key from the official website of respondent no.2-NTA and found that in the provisional answer key, against Question no.79/Question ID 61547511428, the correct answer was shown as Option no. 4 with Option ID 61547544556. The petitioners, as per the provisional answer key since had marked the correct option; therefore, they raised

no objections.

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KUMAR RAURAV

4. As per the prescribed practice, respondent no.2-NTA invited objections with respect to the provisional answer key. On 23.12.2019, after considering the objections and subject expert opinion, respondent no. 2-NTA published the final answer key and the answer for Question no. 79 was changed from Option no. 4 to Option no. 1. Therefore, the Option originally prescribed as correct was declared as incorrect and the revised answer key was issued.

5. The respondent no.2-NTA on the basis of the final answer key published on 23.12.2019, declared the final result on 31.12.2019.

6. The learned counsel for the petitioners submits that the petitioners are aggrieved by the irresponsible action of the respondents. While pointing out the disputed question, he submits that, in view of the material available on record, the answer key finalized by the experts is palpably wrong.

7. He further submits that the correct answer to the said question should be Option no.4/ Gender Inequality, whereas, the respondents in the final answer key have treated Option no.1/Begampura to be the correct answer.

8. He also referred to various literatures and documents to suggest that Option no. 4 is correct answer and, therefore, there was no reason for the examining agency to have opted for any other options. He further submits that petitioners' answer was based on the authoritative books and various research works published in the books and taught in lectures.

9. Learned counsel for the petitioners has taken this court through the question paper and answer key set out for UGC-NET (March –Slot 2), 2023 recently conducted by respondent no.2- NTA on 06.03.2023, wherein, respondent no.2-NTA put a similar question. He further

submits that as per the final answer key issued by respondent no.2-

NTA, for UGC-NET (March-Slot 2) 2023, the correct answer is option (3) Kabir meaning thereby that “Begumpura” is associated with “Kabir”.

10. For the sake of clarity SI. no.7 with Question ID 2007 reads as under:

'S. No.7

QBID: 2007 which of the following is associated with concept of 'Begumpura', the kingdom of god?

- 1. Ramabai*
- 2. M.K. Gandhi*
- 3. Kabir*
- 4. Meerabai*

(Option 1[38325]) 1

(Option 2[38326]) 2

(Option 3[38327]) 3

(Option 4[38328]) 4

11. Learned counsel for the petitioners placed reliance on the decisions of the Hon'ble Supreme Court in the cases of ***Kanpur University & Ors. v. Samir Gupta & Ors.*¹**, ***Abhijit Sen & Ors. v. State U.P.*²**, ***Manish Ujwal v. Maharishi Dayanand Saraswati University*³**, ***Rajesh Kumar & Ors. v. State of Bihar & Ors.*⁴** and ***Rishal & Ors. v. Rajasthan Public Service Commission & Ors.*⁵**. He also placed reliance upon the decision passed by Allahabad High Court in the case of ***Anurag Tripathi v. U.P.P.S.C.*⁶**

12. The counter affidavit filed by respondent no.2-NTA controverts the submissions made by the learned counsel appearing on behalf of the petitioners. According to the counter affidavit filed by respondent no.2- NTA, it is discernible that two subject experts have examined and verified the challenges/ objections to the provisional answer key

¹ (1983) 4 SCC 309

² (1984) 2 SCC 319

³ (2005) 13 SCC 744

⁴ (2013) 4 SCC 690

⁵ (2018) 8 SCC 81

⁶ (2016) SCC OnLine ALL 3612

dated 10.12.2019. The counter affidavit further shows that after scrutinizing the objections, the subject experts certified that answer key for 5 questions stands revised. The answer key of Question no. 79 was revised from Option no. 4 to Option no. 1 as the same was considered by the subject experts to be the most appropriate answer as compared to Option no.4.

13. Learned counsel for respondent no.2-NTA further submits that in order to ensure that there was no error in the verification of the answer key, respondent no.2-NTA called for another subject expert on 27.12.2019 and the subject expert affirmed the revised answer key. Therefore, on 31.12.2019 based on the opinions of the subject experts, the final answer key was released and accordingly the result of UGC-NET(December 2019) was declared.

14. Learned counsel appearing for respondent no.2-NTA in their counter-affidavit have also placed reliance on Clause 10 of the Information Bulletin issued for the UGC-NET(December 2019) and submits that the petitioners have no vested rights to review or challenge the decision of the subject experts. Clause 10 of the Information Bulletin reads as under:

10. Re-Evaluation/Re-Checking of result

There shall be no re-evaluation/re-checking of result. No correspondence in this regard shall be entertained.

15. The respondent no.2-NTA further submits that there is no further scope of any interference by respondent no.2-NTA and therefore, the petitioners have no vested right to review and challenge the decision of the subject experts of respondent no.2- NTA. Learned counsel for respondent no.2-NTA placed reliance on various decisions of the Hon'ble Supreme Court in the case of **Maharashtra State**

Board of Secondary and Higher Secondary Education & Anr. v.

*Paritosh Bhupesh Kurmarsheth*⁷, *CBSE v. Aditya Bandopadhyay*⁸, *Ranvijay Singh v. State of U.P.*⁹, *H.P. Public Service Commission v. Mukesh Thakur*¹⁰ and *U.P.P.S.C through its Chairman and Anr. v. Rahul Singh and Anr.*¹¹. She also placed reliance on the decision passed by this court in *Atul Kumar Verma v. Union of India & Ors.*¹² and *Mohamed Anwar v. NTA & Ors.*¹³.

16. I have heard the learned counsel appearing on behalf of the parties and perused the record.

17. Before proceeding to deal with the case, it would be appropriate to reproduce Question no. 79 and the available options. The same reads as under:

Q79. Which of the following is not related to Kabir?

- (1) Begampura*
- (2) Bhakti*
- (3) Panchvani*
- (4) Gender inequality*

Options 1.1

2.2

3.3

4.4

Question Type: MCQ

Question ID: 61547511428

Option 1 ID: 61547544553

Option 2 ID: 61547544554

Option 3 ID: 61547544555

Option 4 ID: 61547544556

Status : Answered

Chosen Option: 4

18. It is pertinent to note that the examination pattern was based on Multiple Choice Question (MCQ) pattern. It is composed of two parts: a stem that identifies the question or problem, and a set of alternatives or possible answers that contains a key that is the best answer to the

⁷ AIR 1984 SC1543

⁸ (2011) 8 SCC 497

⁹ (2018) 2 SCC 257

¹⁰ (2010) 6 SCC 759

¹¹ 2018 SCC OnLine SC 609

¹² 2015 SCC OnLine Del 10316

¹³ 2023:DHC:5351

question, and a number of distractors that are plausible but incorrect answers to the question. The candidates have to choose the most appropriate answer from the available four options.

19. If Question no.79 is perused, the same would indicate that for Question no. 79 there were four options available along with the Option IDs.

20. In the instant case, the petitioners admittedly attempted Option no.4 as answer to Question no.79. In the provisional answer key, issued by respondent no.2-NTA, Option no.4 was initially published to be the correct answer. Thereafter, on 31.12.2019 respondent no.2-NTA, published the final answer key and finalized Option no. 1 to be the correct answer.

21. If clause 10 of the information bulletin issued by respondent no.2 NTA for UGC-NET (December 2019) is perused, the same would indicate that there is no provision for re-checking/re-evaluation of the result. Therefore, once the result is declared, the courts normally cannot direct for re-checking/ re-evaluating the result. The Hon'ble Supreme Court in *H.P. Public Service Commission (supra)* set aside the directions passed by the Hon'ble High Court directing re-evaluation of the answer sheet by another examiner. Paragraph no. 20 reads as under:

“20. In view of the above, it was not permissible for the High Court to examine the question papers and answer sheets itself, particularly, when the Commission had assessed the inter se merit of the candidates. If there was a discrepancy in framing the question or evaluation of the answer, it could be for all the candidates appearing for the examination and not for Respondent 1 only. It is a matter of chance that the High Court was examining the answer sheets relating to Law. Had it been other subjects like Physics, Chemistry and Mathematics, we are unable to understand as to whether such a course could have been adopted by the High Court. Therefore, we are of the considered opinion that such a course was not permissible to the High Court.”

22. So far as the grievance raised by the petitioners with respect to the correct option of Question no. 79 to be Option no.4 is concerned, admittedly the objections were invited by respondent no.2-NTA. In the provisional answer key, Option no.4 was indicated to be the correct answer. The objections so received were evaluated by the subject experts and according to them Option no.1 was relatively closer to the question in comparison to Option no.4 and accordingly Option no.1 was finalised to be the correct answer.

23. The available material would indicate that the term Begumpura (“land without sorrow”) was first coined by poet Guru Ravidas in his poem written around 500 years ago in India. It is a stateless, classless and casteless society imagined by him. It was possibly the first image of an anarchist utopia in Indian literature. Bhakti refers to ‘devotion’. Kabir was one of the shining lights of the Bhakti Movement which was a devotional movement in Medieval India that sought to achieve spiritual enlightenment through personal devotion to a deity. Panchvani is a traditional form of singing in India and was popularised by Saint Kabir. The teachings and writings of Kabir often stressed the equality of all human beings, irrespective of caste, creed and gender.

24. If the material available is perused, the same would *prima facie* indicate that the term Begumpura is related to Guru Ravidas and not Kabir. If the scheme of the examination is also taken into consideration, the same would indicate that the closest answer to the question should be marked by the candidates. It is also understood that in a MCQ pattern examination for a question, the options available might be closely related to the other options. The candidates have to choose the most appropriate option. In the instant case, after scrutinizing the objections and taking into consideration the material

the actions of the subject experts in declaring Option no.1 as the correct answer for Question no. 79 cannot be said to be arbitrary or without any basis and as such the same does not deserve to be interfere with by this court.

25. Legally speaking, so far as the position with respect to answer keys and their validity is concerned, the same has been dealt with by the Hon'ble Supreme Court in the case of **Kanpur University & Ors. (supra)**. In paragraph no.15, the Hon'ble Supreme Court has clearly held that the answer key should be assumed to be correct unless it is proved to be wrong and it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation.

26. If the enunciation of law, as has been propounded by the Hon'ble Supreme Court is considered and applied in the instant case, it would be seen that what the petitioners is arguing for, is to opt for a different answer on the basis of certain subject material, documents and books which according to him, is undisputed. It is to be seen that the material with respect to the concerned subject is to be first examined by the subject experts. The fact remains that all those students who appeared in the examination have been treated similarly. The objections were received from the candidates and after scrutinizing the objections by the subject experts, the provisional answer key was revised. Once the subject experts have formed any opinion then there is no reason to take a different view. The court would not substitute its own opinion over the opinion of the experts in the field.

27. Any error, though not discernable if any, in framing the question and the final answer key has been found, would be uniformly applied to all the candidates appearing for UGC-NET 2019

examination. Therefore, it is correct to state that no prejudice has been caused to the petitioners.

28. Any interference into the aforesaid aspects will have the effect of disturbing the decision taken by the experts. The writ courts under Article 226 of the Constitution of India are normally not expected to interfere in the modal answer key.

29. The Hon'ble Supreme Court in the matter of ***U.P. Public Service Commission (supra)*** has held that when it came to conflicting views with regard to the answer key in an examination, then the courts must rely on the opinion of the experts and cannot take on the role of experts in academic matters.

30. This court in the case of ***Ashish Singh (supra)*** has held that once the procedure has been followed by the concerned examination agency and the objections are considered and finalised by the experts, the court normally should not interfere into the answer keys. Paragraph nos.17 to 19 of the decision in the case of ***Ashish Singh (supra)*** are reproduced as under:

“17. Having considered the procedure, which has been followed by the respondent No.3-NTA and after perusal of the answers which have been finalized by the experts, this court is not inclined to accept the prayer of the petitioners of either to call for a second expert opinion or to further send the questions before an Expert Committee”.

18. It is to be seen that there are no allegations of mala fide or bias against any of the experts or against the examining body. The procedure as detailed above does not, by any judicial standard, seem unreasonable. In fact, this court is of the opinion, that procedure is just, fair and reasonable. There were lakhs of students who appeared in the said examination. The fact remains that all the students were treated similarly. Merely for the reason that some text, as has been produced by the petitioners, indicating answers to be different from what were there in the answer key, the entire examination process cannot be overturned.

19. Under the aforesaid circumstances, this court is not inclined to interfere in the instant petition. Accordingly, the same is dismissed along with the pending application.”

answer keys, having the same examined by experts and publishing the final result. Such exercise having been carried out, the decision of the experts does not warrant a judicial review on merits.

32. The fact that in subsequent examination conducted by the respondent no.2-NTA, the argument advanced by the petitioners has been accepted is concerned, the same would be of no help to the petitioners. Firstly, the construction of questions in both the examinations itself is different and secondly, on the basis of 2023 examinations, the result of 2019-2020 examinations cannot be directed to be modified.

33. It is for the aforesaid reason, this court is not inclined to interfere in the instant writ petition and the same is, therefore, dismissed.

(PURUSHAINDRA KUMAR KAURAV)
JUDGE

NOVEMBER 07, 2023

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