

HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION

Present:

THE HON'BLE JUSTICE JAY SENGUPTA

WPA 19540 of 2024

Parjanya Das

versus

Union of India and others

For the petitioner	Mr. Dhiman Kumar Sengupta Ms. Farhin Mustaque
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For the Union of India	Mr. Souvik Nandy Mr. Tirtha Pati Acharyya
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For the respondent Nos.2&3	Mr. U.S. Menon Mr. Abhirup Chakraborty
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Last Heard on	11.09.2024
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Judgment on	11.09.2024
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JAY SENGUPTA, J:

This is an application praying for a declaration that the final answer-keys to question Nos.19 and 43 of Booklet 'B' of subject Biology to CUET (UG) 2024 Examination are incorrect and for directing the respondent No.2 to grant 12 marks against the two questions attempted by the petitioner i.e., question Nos.19 and 43.

Learned counsel appearing on behalf of the petitioner submits as follows. There is a serious doubt about the final answer-keys given in respect of question Nos.19 and 43 for the said examination. In fact, the answer-key to question No.43 is wrong. So far as question No.19 is concerned, initially a different answer-key was given provisionally. Finally, it was altered to another. In case of such discrepancy, the question itself should be dropped and marks for the answer should be given to all students including the petitioner. However, despite efforts made by the petitioner, he was unable to obtain any expert's opinion on these questions.

Learned counsel for the NTA denies the allegations made in the writ petition and submits that so far as the question No.43 is concerned, the answer is quite clear. However, there was an error in respect of answer-key given provisionally in respect of question No.19. The same was corrected at the time of publication of the final answer-keys. Expert's opinion has been taken from three eminent experts of the subject and they fully support the final answer-keys. Names of the experts have been placed before this Court in a sealed envelope. Reliance is placed on the decisions of the Hon'ble Apex Court in *Ran Vijay Singh vs State of U.P.*, reported at (2018) 2 SCC 357 and *Uttar Pradesh Public Service Commission through its Chairman and*

another vs. Rahul Singh and another, reported at (2018) 7 SCC 254.

I have heard the learned Advocates for the parties and have perused the writ petition, affidavits filed and the documents placed in sealed cover. After perusing such documents, they are again kept with the record in sealed cover.

In *Uttar Pradesh Public Service Commission* (Supra), the Hon'ble Apex Court held that judges cannot take on the role of experts in academic matters. Unless the candidate demonstrates that the key answers are patently wrong on the face of it, the Courts cannot enter into the academic field, weigh the pros and cons of the arguments given by both sides and then come to the conclusion as to which of the answers is better or more correct.

In *Rahul Singh* (supra), the Hon'ble Apex Court made it clear that in the event of a doubt, the benefit should go to the examination authority rather than to the candidate.

One has to assess the present facts in the light of the above referred decisions.

In the instant case, the answer-keys to the two questions have been challenged by the candidate. However, the examination agency has come up with an expert's opinion given by a panel of three eminent experts.

Experts' report is absolutely clear and supports the final answer-keys in full.

After going through the rival contentions of the parties, it does not appear that the answer-keys could be patently wrong or that there is something so clinching as to question the credibility of the experts.

Opportunities were given to the petitioner to come up with an alternative view from any other expert. But, the petitioner has failed to obtain one.

This Court does not find any reason not to believe in the opinion of the eminent experts provided by the testing agency and to indulge in any roving and fishing enquiry.

In view of the above, the writ petition is dismissed.

There shall, however, be no order as to costs.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of requisite formalities.

(Jay Sengupta, J)