



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

114

CWP-22710-2024  
Date of Decision : 17.09.2024

MUKUL DEV

.... PETITIONER

V/S

CHANDIGARH ADMINISTRATION AND ANOTHER

.... RESPONDENTS

**CORAM : HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Mr.Vikram Singh Brar, Advocate and  
Mr. Vishavjeet S. Beniwal, Advocate  
for the petitioner.

Ms. Madhu Dayal, Addl. Standing Counsel and  
Ms. Aashna Gill, Junior Panel Counsel  
for the respondent-U.T.Chandigarh.

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**JAGMOHAN BANSAL, J. (Oral)**

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of revised answer key dated 21.08.2024 (Annexure P-8) whereby respondent has revised answer of question No.17 of TGT (Part-A Examination) Booklet Code-C.

2 The petitioner pursuant to an advertisement dated 09.02.2024 applied for the post of TGT in the stream of Physical Education. The petitioner participated in the written test which was conducted on 22.06.2024. The respondent released answer key on 01.07.2024. The candidates were free to file their objections to answer



key. Various candidates filed their objections to answer key uploaded by respondent. The committee of experts considered objections of candidates and made corrections in the answer key with respect to different questions of different subjects. The respondent issued revised key on 21.08.2024. The petitioner filed objection on 22.08.2024 raising objection with respect to raised answer of question No.17 of TGT (Part-A Examination) Booklet Code-C. The respondent declared merit list on 30.08.2024 wherein name of the petitioner did not figure.

3. Mr.Vikram Singh Brar, Advocate submits that petitioner had applied under OBC Category and he has been deprived from the opportunity on account of revision of answer of question No.17 of TGT (Part-A Examination) Booklet Code-C. There was no reason to revise the answer of aforesaid question.

4. Per contra, Ms. Madhu Dayal, Addl. Standing Counsel and Ms. Aashna Gill, Junior Panel Counsel submit that answer key was revised on account of objections raised from various candidates. The objection filed by petitioner was also considered and as per communication dated 09.09.2024 received from National Institute of Electronics and Information Technology, Chandigarh which had conducted the exam, the correct answer of question No.17 is option C. The petitioner is claiming that correct answer of question No.17 is not option C.

5. The Hon'ble Supreme Court in *U.P.P.S.C and others Vs. Rahul Singh and others, 2018 AIR (Supreme Court) 2861* while advertng with correctness of answers key has held :



*“12. The law is well settled that the onus is on the candidate to not only demonstrate that the key answer is incorrect but also that it is a glaring mistake which is totally apparent and no inferential process or reasoning is required to show that the key answer is wrong. The Constitutional Courts must exercise great restraint in such matters and should be reluctant to entertain a plea challenging the correctness of the key answers.”*

6. Supreme Court in **Ran Vijay Singh and others Vs. State of U.P and others (2018) 2 SCC 357** while dealing with the question of revaluation or scrutiny of answer sheets has held :

*“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.*

*31. On our part we may add that sympathy or compassion does not play any role in the matter of directing or not directing re-evaluation of an answer sheet. If an error is committed by the examination authority, the complete body of candidates suffers. The entire examination process does not deserve to be derailed only because some candidates are disappointed or dissatisfied or perceive some injustice having been caused to them by an erroneous question or an erroneous answer. All candidates suffer equally, though some might suffer more but that cannot be helped since mathematical precision is not always possible. This Court has shown one way out of an impasse – exclude the suspect or offending question.*

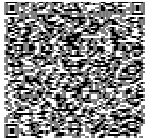
*32. It is rather unfortunate that despite several decisions of this Court, some of which have been discussed above, there is interference by the Courts in the result of examinations. This places the examination authorities in an unenviable position where they are under scrutiny and not the candidates. Additionally, a massive and sometimes prolonged examination exercise concludes with an air of uncertainty. While there is no doubt that candidates put in a tremendous effort in preparing for an examination, it must not be forgotten that even the examination authorities put in equally great efforts to successfully conduct an examination. The enormity of the task might reveal some lapse at a later stage, but*



*the Court must consider the internal checks and balances put in place by the examination authorities before interfering with the efforts put in by the candidates who have successfully participated in the examination and the examination authorities. The present appeals are a classic example of the consequence of such interference where there is no finality to the result of the examinations even after a lapse of eight years. Apart from the examination authorities even the candidates are left wondering about the certainty or otherwise of the result of the examination – whether they have passed or not; whether their result will be approved or disapproved by the Court; whether they will get admission in a college or University or not; and whether they will get recruited or not. This unsatisfactory situation does not work to anybody's advantage and such a state of uncertainty results in confusion being worse confounded. The overall and larger impact of all this is that public interest suffers.”*

7. Relying upon plethora of judgments, a Division Bench of this Court vide judgement **dated 01.06.2023** in **CWP No.11695 of 2023** titled as “**Navdeep Kaur vs. State of Punjab and others**” has held that in the absence of allegations against the expert panel or malafide on the part of respondents, the Court cannot re-examine answers key and interfere in the matter.

8. In the wake of law laid down by Hon'ble Supreme Court, a Division Bench of this High Court and the fact that respondent constituted a committee which had examined all the objections and there is no allegation of mala fide, this Court does not find it appropriate to



invoke its extraordinary jurisdiction. The Court cannot invoke jurisdiction just because there is difference of opinion qua answer of a particular question.

9. Dismissed.

**(JAGMOHAN BANSAL)**  
**JUDGE**

**17.09.2024**  
*anju*

Whether speaking/reasoned : Yes/No  
Whether Reportable : Yes/No