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

LPA-2297-2024 (O&M)

Reserved on 01.10.2024

Pronounced on: October 14, 2024

Mukul Dev

.....Appellant

vs.

Chd. Administration and anr.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR
HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Vikramjeet Brar, Advocate and
Mr. Vishavjeet S. Beniwal, Advocate
for the appellant.

Ms. Madhu Dayal, Addl. Standing Panel counsel and
Ms. Aashna Gill, Jr. Standing counsel
for U.T. Chandigarh

SUDEEPTI SHARMA J.

1. The present Letters Patent Appeal under Clause-X of the Letters Patent Appeal Act, is preferred against the judgment dated 17.09.2024 passed by the learned Single Judge in CWP No. 22710-2024 titled as 'Mukul Dev Vs. Chandigarh Administration and another', whereby prayer of the appellant for setting aside revised answers key dated 21.08.2024 of question No. 17 of TGT (Part-A Examination) Booklet Code-C, has been dismissed.

2. Brief facts of the case as stated in the Civil Writ Petition are that the appellant, pursuant to an advertisement dated 09.02.2024, applied for the post of TGT in the stream of Physical Education. The appellant participated in the written test which was conducted on 22.06.2024. The respondent released



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answers key on 01.07.2024. The candidates were free to file their objections to the answers key. Various candidates filed their objections to the answers key uploaded by respondent. The committee of experts considered the objections of the candidates and made corrections in the answer key with respect to different questions of different subjects. The respondent issued revised answers key on 21.08.2024. The appellant filed objections on 22.08.2024 with respect to revised answers of question No.17 of TGT (Part-A Examination) Booklet Code-C. The respondent declared the merit list on 30.08.2024, wherein the name of the appellant did not figure. The writ petition filed by the appellant was dismissed and hence the present appeal.

SUBMISSION OF LEARNED COUNSEL FOR THE PARTIES

3. Learned counsel for the appellant contends that the learned Single Judge has wrongly dismissed the civil writ petition, since the answer key given by the respondent-department to Question No. 17 in the revised merit list, is palpably incorrect.

4. *Per contra*, learned counsel for the respondents contend that the answers key was revised on account of the objections raised by various candidates. She further contends that the objections filed by the appellant were also considered and as per communication dated 09.09.2024 received from the National Institute of Electronics and Information Technology, Chandigarh, which had conducted the examination, the correct answer of Question No. 17 is Option 'C'.

6. We have heard learned counsel for the parties and perused the whole record of the case.



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7. The learned Single Judge after taking into consideration the arguments raised by both the parties and by relying upon the judgments, dismissed the writ petition. The relevant part of the judgment is reproduced as under:-

*“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 adverting 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;



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- (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



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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."*

8. As held by Hon'ble the Supreme Court in the judgments referred to above, we do not find any infirmity in the impugned judgment dated 17.09.2024 passed by the learned Single, since the scope of judicial review is narrow.



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9. Accordingly, the present appeal is *dismissed* and the judgment passed by the learned Single Judge is upheld.
10. All the pending applications, if any, also stand disposed of.

(SURESHWAR THAKUR)
JUDGE

(SUDEEPTI SHARMA)
JUDGE

October 14, 2024
G Arora

Whether speaking/reasoned : Yes
Whether reportable : Yes