HIGH COURT OF JUDICATURE FOR RAJASTHAN
BENCH AT JAIPUR

S.B. Civil Writ Petition No. 14832/2024

Dr. Pankaj Yadav S/o Bhagwan Sahay Yadav, Aged About 26 Years, R/o- Plot No 877-A Ganesh Nagar Main, Niwaru Road, Jhotwara, Jaipur (Rajasthan).

----Petitioner

Versus

1. Principal Secretary, Department Of Medical, Health And Family Welfare, Government Of Rajasthan, Secretariat, Ashok Nagar, Jaipur (Rajasthan).
2. The Director, Department Of Medical, Health And Family Welfare, Government Of Rajasthan, Medical Directorate, Ashok Nagar, Jaipur (Rajasthan).
3. Rajasthan University Of Health Sciences, Thru Its Registrar, Sector 18 Kumbha Marg, Pratap Nagar Jaipur (Rajasthan).

----Respondents

Connected With

S.B. Civil Writ Petition No. 14640/2024

Dr Anuj Soni S/o Shri Vijay Soni, Aged About 28 Years, Resident Of Near Shakti Marriage Garden, Sawimadhopur, Rajasthan.

----Petitioner

Versus

1. Rajasthan University Health And Sciences, Kumbha Marg, Pratap Nagar, Jaipur, Rajasthan.
2. The Director, Department Of Medical And Health, C-Scheme, Jaipur, Rajasthan.
3. State Of Rajasthan, Through Principal Secretary, Department Of Medical And Health, Govt. Secretariat, Jaipur.

----Respondents

S.B. Civil Writ Petition No. 14833/2024

1. Dr. Lipsa Meena D/o Dal Singh, Aged About 30 Years, R/o Banda Pura, Suroth, Karauli (Rajasthan).
2. Dr. Shriya Saxena D/o Manoj Saxena, Aged About 28 Years, R/o 137 Swarn Jayanti Nagar, Near Mohan Public

School, Bharatpur Rajasthan.

----Petitioners

Versus

1. Principal Secretary, Department Of Medical, Health And Family Welfare, Government Of Rajasthan, Secretariat, Ashok Nagar, Jaipur (Rajasthan).
2. The Director, Department Of Medical, Health And Family Welfare, Government Of Rajasthan, Medical Directorate, Ashok Nagar, Jaipur (Rajasthan).
3. Rajasthan University Of Health Sciences, Thru Its Registrar, Sector 18 Kumbha Marg, Pratap Nagar Jaipur (Rajasthan).

----Respondents

S.B. Civil Writ Petition No. 14834/2024

Dr. Praveen Kumar S/o Girraj Singh, Aged About 32 Years, R/o Village Naya Ganv Deolen, Dist. Karouli (Rajasthan).

----Petitioner

Versus

1. Principal Secretary, Department Of Medical, Health And Family Welfare, Government Of Rajasthan, Secretariat, Ashok Nagar, Jaipur (Rajasthan).
2. The Director, Department Of Medical, Health And Family Welfare, Government Of Rajasthan, Medical Directorate, Ashok Nagar, Jaipur (Rajasthan).
3. Rajasthan University Of Health Sciences, Thru Its Registrar, Sector 18 Kumbha Marg, Pratap Nagar Jaipur (Rajasthan).

----Respondents

S.B. Civil Writ Petition No. 14835/2024

Dr. Ashok Bundela S/o Subhash Bundela, Aged About 27 Years, R/o Thakar Wala Kua, Somvanshi Colony, Alwar (Rajasthan).

----Petitioner

Versus

1. Principal Secretary, Department Of Medical, Health And Family Welfare, Government Of Rajasthan, Secretariat, Ashok Nagar, Jaipur (Rajasthan).
2. The Director, Department Of Medical, Health And Family

Welfare, Government Of Rajasthan, Medical Directorate, Ashok Nagar, Jaipur (Rajasthan).

3. Rajasthan University Of Health Sciences, Thru Its Registrar, Sector 18 Kumbha Marg, Pratap Nagar Jaipur (Rajasthan).

----Respondents

S.B. Civil Writ Petition No. 15020/2024

Surbhi Sharma Daughter Of Shri Ganpat Lal Sharma, Aged About 25 Years, Resident Of 104 G-1, Morari Bhawan, Brijpuri, Jagatpura, Jaipur.

----Petitioner

Versus

1. State Of Rajasthan, Through Its Principal Secretary, Medical And Health Department, Government Of Rajasthan, Government Secretariat, Jaipur.
2. Director, Public Health, Medical And Health Services, Rajasthan, Jaipur.
3. Rajasthan University Of Health Sciences, Through Its Registrar, Jagatpura, Jaipur

----Respondents

S.B. Civil Writ Petition No. 15331/2024

Bharat Beniwal S/o Uda Ram, Aged About 30 Years, R/o Beniwalo Ki Dhani, Puniyo Ki Beri, Pareu, Barmer, Rajasthan.

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Medical And Health Department, Govt. Of Rajasthan, Government Secretariat, Jaipur.
2. The Director (Public Health), Medical And Health Services, Rajasthan, Jaipur.
3. The Registrar, Rajasthan University Of Health Sciences, Sector-18, Kumbha Marg, Pratap Nagar, Jaipur, Rajasthan.
4. The Coordinator, Medical Officer (Medical) Recruitment Examination 2024, Rajasthan University Of Health Sciences, Sector-18, Kumbha Marg, Pratap Nagar, Jaipur, Rajasthan.

----Respondents

S.B. Civil Writ Petition No. 15725/2024

Dr. Narsi Lal Sepat S/o Mangal Ram Sepat, Aged About 40 Years, R/o Mangala Bhuwana Ganesh (Esti) Ki Dhani, Mohan Ka Bas, Tehsil Kishangarh Renwal, District Jaipur, Rajasthan.

----Petitioner

Versus

1. The State Of Rajasthan, Through Its Principal Secretary, Medical, Health And Family Welfare Department, Government Of Rajasthan, Secretariat, Jaipur (Raj.).
2. The Director (Public Health), Medical And Health Services, Jaipur, Rajasthan.
3. The Rajasthan University Of Health Sciences, Through Its Registrar, Sector - 18, Kumbha Marg, Pratap Nagar, Tonk Road, Jaipur, Rajasthan.

----Respondents

S.B. Civil Writ Petition No. 16622/2024

Dr Neha Sharma D/o Shri Narendra Sharma, Aged About 25 Years, Resident Of Vivekanand Colony, Deoli, Tonk, Rajasthan.

----Petitioner

Versus

1. Rajasthan University Health And Sciences, Kumbha Marg, Pratap Nagar, Jaipur, Rajasthan.
2. The Director, Department Of Medical And Health, C-Scheme, Jaipur, Rajasthan.
3. State Of Rajasthan, Through Principal Secretary, Department Of Medical And Health, Govt. Secretariat, Jaipur.

----Respondents

For Petitioner(s) : Mr. Gitesh Joshi
Mr. Kaleem Ahamed Khan
Mr. Vikas Kabra
Mr. B.B.L Sharma
Mr. Ram Pratap Saini with
Mr. Aamir Khan
Mr. Akshit Gupta with
Ms. Pragya Seth
Mr. Nakul Bansal

Mr. R.K Jain

For Respondent(s) : Mr. Archit Bohra, AGC with
Ms. Lipi Garg
Mr. Ram Singh Bhati
Mr. Mohd. Ashfaq Khan with
Ms. Shama Khan
Ms. Rekha Jain
Experts:
Dr. Tripti Sharma Rai Professor, RUHS College of Dental Sciences
Dr. Neha Gupta Professor, RUHS College of Dental Sciences
Dr. Sireesha Sundari Giri Krishana Professor
Dr. Shikha Saxena Professor
Dr. Setu Mathur Professor
Dr. Saurabh Chaturvedi Professor
Dr. Mohammad Sharique
Dr. Gaurav Dalela

HON'BLE MR. JUSTICE SAMEER JAIN

Judgment

Reportable

Reserved on: **20/11/2024**
Pronounced on: **05/12/2024**

1. In the present batch of writ petitions, the scope of the controversy involved, albeit not limited to but is broadly and predominantly defined by the challenge raised regarding the correctness and/or validity of the final answer key dated 06.08.2024, as issued by the respondents in terms of which the respondents have issued the final merit list which may further result in non-consideration of the candidature of the petitioners, solely for the reason that the preparation of the final merit is done in terms of wrongful and faulty answer key. Therefore, considering the fact that the writ petitions warrant adjudication on common questions of law; with the consent of learned counsel appearing

on behalf of all the parties, **SBCWP No. 14832/2024** titled as **Dr. Pankaj Yadav Vs. State Of Rajasthan And Ors.**, is being taken up as the lead petition. It is cautiously clarified that any discrepancies in the present batch of writ petitions, pertain purely to the factual narratives contained therein and not viz-a-viz the questions of law to be determined by this Court and the instant judgment shall be made applicable on *mutatis mutandis* basis.

BACKGROUND

2. The overarching factual matrix, enveloping the *lis* to be determined by this Court, is that the respondent-Rajasthan University of Health Science (hereinafter referred to as RUHS) vide notification dated 06.03.2024 invited applications for 172 posts of Medical Officer (Dental) and subsequently on 12.04.2024 a revised notification qua the said recruitment was released and the applications were invited in-between the period of 22.04.2024 and 21.05.2024. Thereafter, by a successive notification dated 31.05.2024, the number of intake qua the said post was increased to 209.

3. The petitioners appeared in the examination for the said posts wherein, the said examination was objective/Multiple Choice Questions based with number of questions as 100. Consequentially, the respondents on 18.07.2024 issued the Model Answer Key as per the master paper for perusal of the candidates. Consequently, the respondents issued a press note on the official website inviting objections with regard to the discrepancies in the Model Answer key. For submission of objections a time window in-between 19.07.2024 and 20.07.2024 till 5 P.M. was provided, and

the candidates were required to submit their objections along with substantial/relied upon study material through offline mode.

SUBMISSIONS BY LEARNED COUNSEL REPRESENTING THE PETITIONERS.

4. Learned counsel representing the petitioners had argued that the impugned action of the respondent-RUHS, in not adequately and correctly examining the objections raised by the petitioners is patently arbitrary, unjust and unfair, thereby being violative of the fundamental rights of the petitioners, as enshrined under the Constitution of India.

5. Moreover, the respondents offered a miniscule period within which the objections were to be submitted. Nevertheless, ignoring or without tendering any reasonable justification qua the said objections, the respondents on 06.08.2024 issued the impugned final answer key. It was further contended that despite the fact that the petitioners are otherwise meritorious and qualified aspirant for the said post, but primarily because the respondents were not vigilant enough about the assessment in terms of the impugned final answer key, the same might lead to non-selection of the candidature of the petitioners or affect their actual merit secured.

6. Further, learned counsel had made threefold contentions:

6.1 Primarily that due to the said wrongful evaluation of the questions, the petitioners have lost certain marks and other candidates have wrongfully gained certain marks.

6.2 Secondly, that the respondents issued the mark-sheets of the petitioners wherein the expected cut-off marks are stated as per the category of the candidate, howsoever, due to the said wrong articulation/calculation of questions and cursory consideration of the objections raised by the petitioners, their candidature is being affected from a slight variance.

6.3 Tertiary that the respondents have evaluated the question papers and released the final answer key qua which miniscule time was granted to submit the objections rather in-between the said period the respondents have formulated the impugned provisional selection list, without tender a reasonable justification qua the objections raised by various candidates.

7. In order to establish their case, learned counsel for the petitioners further contended as follows:

7.1 That under Article 226 of the Constitution of India, a writ court can exercise judicial review in respect of disputed answer keys and question-answers, where it clearly appears that the disputed answer key is palpably and demonstrably erroneous and that if a prudent man can prove them to be incorrect by way of his ordinary understanding, then judicial review is not prohibited under such circumstances. Thus, considering the fact that the answer keys issued by the respondent-RUHS are *prima facie* demonstrably erroneous and objectively incorrect, judicial

review in respect of such an answer key is warranted for protecting the fundamental rights of the petitioners.

7.2 That in matters of public employment, especially on such eminent posts, the scope of fallaciousness must be removed *in-toto* and due diligence ought to be exercised at the end of the body conducting the examination to ensure transparency, fairness and correctness in the recruitment process, at all stages.

7.3 That with regards to the disputed answers/questions, the petitioners placed reliance upon authentic text books, which makes it abundantly clear that there is no room for doubt and therefore, the answer key issued by the respondent-RUHS warrants judicial intervention.

7.4 That in **Kanpur University and Ors. vs. Samir Gupta and Ors.** reported in **1983 AIR (SC) 1230**, the Hon'ble Apex Court categorically held that it would be unfair to penalize the candidates for not giving an answer which accords with the answer key, that is to say, with an answer which is demonstrated to be incorrect. Hence, there is no doubt that in the facts and circumstances of the case, when the answer key is erroneous and demonstrably wrong, the candidates cannot be made to suffer.

7.5 That the answer keys have to be prepared very carefully, primarily for the welfare of the candidates, who study for the examination diligently. An incorrect answer key results in the merit being made a casualty and/or a mockery on the face of fairness.

7.6 That one can understand the predicament of a young student at the threshold of their career, when despite giving

correct answers, the students suffers and as a result, faces a huge setback, for no fault attributable to the student. Moreover, in educational matters, where the Courts are slow in extending judicial interference, the responsibility upon the respondent-RUHS increases manifestly, for conducting a fair and proper examination, with demonstrably correct answers.

8. In support of the contentions made insofar, learned counsel had placed reliance upon an array of judgments, as passed by the Hon'ble Apex Court and also this Court, in furtherance of the dictum enunciated in **Kanpur University (Supra)**. Amongst the judgments so relied upon, are **Manish Ujwal vs. Maharishi Dayanand Saraswati University** reported in **(2005) 13 SCC 744**, **Guru Nayak Dev University vs. Saumil Garg and Ors.** reported in **(2005) 13 SCC 749**, **Rishal and Ors. vs. Rajasthan Public Service Commission and Ors.** reported in **(2018) 8 SCC 81**, **Ankit Sharma and Ors. vs. Rajasthan Public Service Commission and Ors.: SLP Nos. 4270-4271/2022**, **D.B. Special Appeal (Writ) No. 497/2022** titled as **RPSC and Ors. vs. Gyanendra Sharma and Ors.**, **D.B. Special Appeal (Writ) No. 847/2022** titled as **Suman and Ors. vs. State of Rajasthan**, **D.B. Special Appeal (Writ) No. 1092/2015** titled as **Pankaj Oswal and Ors. vs. RPSC and Ors**. and **State of Rajasthan and Ors. vs. Kamlesh Kumar Sharma and Ors**. reported in **2014 (1) WLC (Raj.) 349**, amongst others.

9. In light of the foregoing submissions, it was conclusively argued that by preparing disputed answer keys in the

field of public employment, the respondent-RUHS has tainted the entire examination process, due to which the future of many candidates are left hanging in the balance, despite no fault on their part. Therefore, the petitioners cannot be blamed for the errors attributable to the respondent-RUHS and as a result, the petitioners cannot be denied selection, on the basis of a demonstrably incorrect answer key. The denial of selection to the petitioners is a direct violation of their fundamental rights conferred under Articles 14,15 and 16 of the Constitution of India.

SUBMISSIONS BY THE LEARNED COUNSEL REPRESENTING THE RESPONDENTS.

10. *Per contra*, learned counsel representing the respondents had stoutly opposed the contentions made by the counsel representing the petitioners and had averred that that the scope of judicial review is limited in the matters of administrative decision-making. It was contended that the Court, while exercising writ jurisdiction, can only consider the correctness of the decision-making process and not the decision itself. While exercising its powers under Article 226 of the Constitution of India, the Court cannot take it upon itself to actually ascertain the correctness of the disputed answer key, for the simple reason, that the Courts are not experts of the contested subject-matter and therefore, do not possess the requisite expertise to ascertain the correctness of the answer-key. Hence, for undertaking the said task, the Court must leave it upon the experts to ascertain the correctness and validity of questions/answers, as they would be more susceptible

to the nuances of the subject-matter and thereby, adjudge upon the correctness in an informed manner.

11. It was further averred that when the objections were called, qua the 100 questions, grievances were submitted by 126 candidates for 61 questions and no grievances are submitted qua the remaining 39 questions. Moreover, to address the said grievances a committee of experts was constituted by the respondent-RUHS vide order dated 22.07.2024 (Annexure – R/1/1) Withal, vide order dated 25.07.2024 a committee of subject experts was also constituted and thereafter a detailed report was furnished rendering justification to each and every disputed question. Further, learned counsel vide placing reliance upon the provisions of Bhartiya Sakshay Adhiniyam, 2023 had apprised the Court with the fact that the opinion of the experts play a vital role in deciding the objections and same is to be given a higher pedestal and merely the contention of the candidate cannot supervene upon the opinion of the experts; especially when the subject matter of dispute pertains to a specific distinct field i.e. Dental – Medical.

12. Subsequently, learned counsel had averred that on receipt of objections to the extent of 61 questions, the committee only after an assiduous study of the same had found that as many as 16 questions require consideration and accordingly there exhibition was published wherein certain question-answer options were changed and it was found that the question was framed wrongly and none of the answers matches to the questions or rather the question itself does not relates to the answering options

were deleted and in such case bonus marks were allotted the all the candidates maintaining a parity amongst all.

13. It was also averred that once after having the exam conducted and answer key being published, objections can only be raised wherein all candidates who have participated in the said examination are given single opportunity to raise objections in respect of all the questions and answers thereof by placing on record the relied upon study material.

14. As a result, whilst praying for the dismissal of the present batch of petitions, learned counsel for the respondent-RUHS placed reliance upon the dictum of the Hon'ble Apex Court as enunciated in **Ran Vijay Singh and Ors. vs. State of U.P. and Ors.** reported in **(2018) 2 SCC 357**, **Tajvir Singh Sodhi and Ors. vs. State of Jammu and Kashmir** reported in **2023/INSC/309**, **Uttar Pradesh Public Service Commission, through its Chairman and Anr. vs. Rahul Singh and Anr.** reported in **(2018) 7 SCC 254**, **Vikesh Kumar Gupta and Ors. vs. State of Rajasthan and Ors.** reported in **(2021) 2 SCC 309**, **Bihar Staff Selection Commission and Ors. vs. Arun Kumar and Ors.** reported in **(2020) 6 SCC 362** and **Kavita Bhargava vs. Registrar, Examination, Rajasthan High Court, Jodhpur: D.B. Civil Writ Petition No.2253/2022**, amongst others.

DISCUSSION AND FINDINGS

15. Heard and considered the rival arguments made by the learned counsel representing various parties.

16. Upon an assiduous scanning of the record, considering the material facts and circumstances of the case, considering the judgments cited at the Bar and taking note of the arguments averred by the learned counsel for the parties, this Court at this juncture, deems it appropriate to jot down indubitable facts:-

16.1 That the instant batch of petitions is filed with controversy that arose and is pertaining to the recruitment notification dated 06.03.2024 for selection of candidates on 172 (later on revised and increased to 209 posts) of Medical Officers (Dental) by direct recruitment examination.

16.2 That vide the Information Booklet qua Medical Officer (Dental) Direct Recruitment Examination, 2024, respondent-RUHS had issued the requisites, for instance, the minimum eligibility criteria, syllabus, list of books etc.

16.3 That after successful conduct of the said examination, the respondent-RUHS published the model answer key dated 06.08.2024.

16.4 That albeit the objections were invited by the respondent-RUHS for the said 100 question-answers, qua which a period i.e. in between 19.07.2024 and 20.07.2024 till 05.00 P.M. was rendered and for consideration of the said objections an Expert committee was constituted.

16.5 That as many as 126 candidates have raised objections against 61 answers, nonetheless, the expert committee after an assiduous scrutinizing concluded that 16 questions were to be explained/considered. Resultantly, reasonable justification/ clarification qua the same was tendered and either the answers to

such questions were changed (along with requisite explanation) or bonus marks were allotted to all the candidates.

17. From the overarching factual narrative of the present batch of writ petitions, it is rather apparent that the scope of the controversy/*lis* before this Court pertains to the judicial review of the final answers' key dated 06.08.2024, as published for the said examination, pursuant to receiving of the objections from select petitioners/candidates.

18. At this nascent juncture, prior to delving into the arena of assessment of the final answer key dated 06.08.2024, with regards to the objections raised juxtaposed with the answers crystalized pursuant to the consideration of said objections, this Court deems it appropriate to explicate on the following key legal considerations, which often envelop matters concerning the assessment of answer keys in public examinations, namely:-

18.1 Scope of Judicial Review under Article 226 of the Constitution of India in Examinations for Recruitment in Public Services.

18.2 The 'Exceptional Circumstance': When can an interference be made by the Courts?

18.3 The 'Exceptional Circumstance': What is palpably and demonstrably erroneous?

18.4 Limitations of Courts in Matters of Judicial Review of Answer Keys.

A. **Scope of Judicial Review under Article 226 of the Constitution of India in Examinations for Recruitment in Public Services.**

18.1.1 The Hon'ble Apex Court, through a plethora of judicial pronouncements, has time and again held that the Courts ought to be extremely reluctant to substitute their own views as to what is correct and well-judged/ascertained, in relation to academic matters, in preference to those formulated by and arrived at, by professional experts possessing prowess, proficiency and expertise in the actual subjects included in the impugned examinations.

18.1.2 In **Ran Vijay Singh (Supra)** and **Vikesh Kumar Gupta (Supra)**, the Hon'ble Apex Court has endorsed the view that re-evaluations of answer keys may be permitted by Courts, which shall be purely subject to the rules framed qua the administration of the concerned examination. In any event, the practice of Court's re-evaluation of answer-keys, as prepared by subject-matter experts, is time and again abominated, primarily looking to the mitigating factum of the Courts not possessing the requisite knowledge/expertise in academic matters, nuances of which can only be understood by subject-matter experts who have spent a considerable amount of time studying the subjects and garnering experience in their concerned field of study. No one would be more suited for carrying out an assessment of an answer key, than an expert who comprehensively understands the framework of the question paper and the context/purpose with which the impugned question is incorporated in the body of the examination.

18.1.3 The scope of judicial review is miniscule, insofar as Court's interference is sparingly permissible, only after obtaining the opinion of experts, who have accumulated sufficient knowledge in their stream of academia. Regardless, the Courts, purely on their own volition and knowledge, cannot determine/ascertain the correctness of an answer-key.

B. **The 'Exceptional Circumstance': When can an interference be made by the Courts?**

18.2.1 The only exception carved out, permitting the Court's interference in disputed answer keys whilst exercising jurisdiction under Article 226 of the Constitution of India, pertains to when the disputed answer key/question-answers appear to be 'palpably and demonstrably erroneous'.

18.2.2 The dictum of the Hon'ble Apex Court, as enunciated in **Ran Vijay Singh (Supra)** is reproduced herein-under:-

> *"30. The law on the subject is therefore, quite clear and we only propose to highlight a few significant conclusions. They are:*
>
> *30.1. 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;*
> *30.2. 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 re-evaluation or scrutiny only if it is demonstrated very clearly, without any "inferential process of reasoning or by a process of rationalization" and only in rare or exceptional cases that a material error has been committed;*
> *30.3.* ***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;

30.4. ***The Court should presume the correctness of the key answers and proceed on that assumption; and 30.5. 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."

18.2.3 Similarly, the Hon'ble Apex Court in **Vikesh Kumar Gupta (Supra)**, held as under:-

*"11. Though re-evaluation can be directed if Rules permit, this Court has deprecated the practice of re-evaluation and scrutiny of the questions by the courts which lack expertise in academic matters**. It is not permissible for the High Court to examine the question papers and answer sheets itself, particularly when the Commission has assessed the inter se merit of the candidates** (Himachal Pradesh Public Service Commission v. Mukesh Thakur and Anr.: (2010) 6 SCC 759) **Courts have to show deference and consideration to the recommendation of the Expert Committee who have the expertise to evaluate and make recommendations** [See-Basavaiah (Dr.) v. Dr. H.L. Ramesh and Ors. : (2010) 8 SCC 372).*

12. In view of the above law laid down by this Court, it was not open to the Division Bench to have examined the correctness of the questions and the answer key to come to a conclusion different from that of the Expert Committee in its judgment dated 12.03.2019. Reliance was placed by the Appellants on Richal and Ors. v. Rajasthan Public Service Commission and Ors.: (2018) 8 SCC 81. In the said judgment, this Court interfered with the selection process only after obtaining the opinion of an expert committee but did not enter into the correctness of the questions and answers by itself. Therefore, the said judgment is not relevant for adjudication of the dispute in this case.

*13. **A perusal of the above judgments would make it clear that courts should be very slow in interfering with expert opinion in academic***

> ***matters****. In any event, assessment of the questions by the courts itself to arrive at correct answers is not permissible. The delay in finalization of appointments to public posts is mainly caused due to pendency of cases challenging selections pending in courts for a long period of time. The cascading effect of delay in appointments is the continuance of those appointed on temporary basis and their claims for regularization. The other consequence resulting from delayed appointments to public posts is the serious damage caused to administration due to lack of sufficient personnel."*

18.2.4 Hence, in light of the foregoing observations, the only exception carved out, whereby the Court's may extend indulgence in disputed question-answers, is when the same appear to be 'palpably and demonstrably erroneous'.

C. **<u>The 'Exceptional Circumstance': What is palpably and demonstrably erroneous?</u>**

18.3.1 The Hon'ble Apex Court, in the notable judgment of **Kanpur University (Supra),** expounded on what is 'palpably and demonstrably wrong', by holding as under:-

> *"15. The findings of the High Court raise a question of great importance to the student community.* ***Normally, one would be inclined to the view, especially if one has been a paper setter and an examiner, that the key answer furnished be the paper setter and accepted by the University as correct, should not be allowed to be challenged.*** *One way of achieving it is not to publish the key answer at all. If the University had not published the key answer along with the result of the test, no controversy would have arisen in this case. But that is not a correct way of looking at these matters which involve the future of hundreds of students who are aspirants for admission to professional courses. If the key answer were kept secret in this case, the remedy would have been worse than the disease because, so many students would have had to suffer the injustice in silence. The publication of the key answer has*

> *unravelled a happy state of affairs to which the University and the State Government must find a solution. Their sense of fairness in publishing the key answer has given them an opportunity to have a closer look at the system of examinations which they conduct. What has failed is not the computer but the human system.*
>
> *16. Shri Kacker, who appears on behalf of the University, contended that no challenge should be allowed to be made to the correctness of a key answer unless, on the face of it, it is wrong.* ***We agree that the key-answer should be assumed to be correct unless it is proved to be wrong and that it should not be held to be wrong by an inferential process of reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well-versed in the particular subject would regard as correct. The contention of the University is falsified in this case by a large number of acknowledged text-books, which are commonly read by students in U.P. Those text-books leave, no room for doubt that the answer given by the students is correct and the key answer is incorrect."***

18.3.2 While further elaborating upon the test laid down in **Kanpur University (Supra)**, the Hon'ble Apex Court in **West Bengal Central School Service Commission and Ors. vs. Abdul Halim** reported in **(2019) 18 SCC 39** laid down the test to determine whether an answer-key is palpably and demonstrably erroneous. The relevant extract is reproduced herein-under:-

> *"8. In exercise of its power of judicial review, the Court is to see* ***whether the decision impugned is vitiated by an apparent error of law****. The test to determine whether a decision is vitiated by error apparent on the face of the record is* ***whether the error is self-evident on the face of the record or whether the error requires examination or argument to establish it. If an error has to be established by a process of reasoning, on points***

> ***where there may reasonably be two opinions, it cannot be said to be an error on the face of the record,*** *as held by this Court in Satyanarayan v. Mallikarjuna.* ***If the provision of a statutory Rule is reasonably capable of two or more constructions and one construction has been adopted, the decision would not be open to interference by the writ Court.*** *It is only an obvious misinterpretation of a relevant statutory provision, or ignorance or disregard thereof, or a decision founded on reasons which are clearly wrong in law, which can be corrected by the writ Court by issuance of writ of Certiorari.*
>
> *9. The sweep of power under Article 226 may be wide enough to quash unreasonable orders.* ***If a decision is so arbitrary and capricious that no reasonable person could have ever arrived at it, the same is liable to be struck down by a writ Court.*** *If the decision cannot rationally be supported by the materials on record, the same may be regarded as perverse."*

18.3.3 Therefore, it is abundantly made clear that a disputed question-answer shall only be treated as palpably and demonstrably wrong, if it is shown that in order to catch hold of the said error and/or notice the fallaciousness crept therein, one ought not to apply a process of reasoning. Rather, the error should be so apparent, that the same may discernible by a mere glimpse, as opposed to a thoughtful analysis. Similarly, even when two equally valiant interpretations of an answer are possible, it cannot be said that the answer is demonstrably erroneous.

D. **Limitations of Courts in Matters of Judicial Review of Answer Keys.**

18.4.1 A court carrying on the exercise of judicial review merely scrutinizes the process in question-administrative or statutory, but necessarily public in its outcome, to see if it was

arrived at in a fair and regular manner, free from illegality, not motivated by malice or *mala fides* or not so manifestly unreasonable in its conclusion that no reasonable individual placed in that situation would arrive at such a conclusion. In this regard, reliance can be placed upon the dictum of this Court as enunciated in **S.B. Civil Writ Petition No. 4777/2021** titled as **Surjan Lal Dhawan and Ors. vs. State of Rajasthan**.

18.4.2 Having taken note of the established legal position with regards to the scope of judicial review under Article 226, this Court, in order to extend interference in the present batch of petitions, needs to assess whether the impugned model answer key for the contested questions, is palpably and demonstrably erroneous/incorrect or not.

19. Further, it is also noted that the syllabus qua the said examination was released way before the date of examination vide the Information Booklet for MODDRE, 2024. Upon a perusal from the same it can be noted that the respondent-RUHS has unanimously and categorically noted that the syllabus for the said examination qua the said post shall include all the subjects studied by a BDS graduate during the four-year curriculum as prescribed by the DCI. It can also be deduced that the curriculum that a student enrolled in the BDS programme studies not only includes the books which are approved by the DCI but also several conferences, seminars and paper publications that the students construe, therefore, the latest and updated versions of all the study material can only be the foremost option to extract the answers for the disputed questions. For the sake of brevity, the

syllabus as prescribed under the said Information Booklet and notification dated 25.08.2011 is reproduced herein below:

"Syllabus:

Syllabus for the said examination comprised of all the subjects studies by BDS graduate during four-year curriculum as prescribed by DCI.

Recommended books:

1. Human Anatomy, Embryology, Histology & Medical Genetics

1. Snell (Richard S.) Clinical Anatomy for Medical Students, Ed. 5 Llittle Brown & company, Boston.
2. RJ LAST'S Anatomy- McMinn, 9th edition.
3. ROMANES(G.J.) Cunningham Manual of Practical Anatomy : Head & Neack & Brain Ed. 15. Vol. III Oxford Medical publication.
4. WHEATER, BURKITT & DENIELS, Functional Histology, Ed. 2, Churchill Livingstone.
5. SADLER, LANGMAN'S, Medical Embryology, Ed. 6.
6. JAMES E ANDERSON, Grant's Atlas of Anatomy, Williams & Wilkins.
7. WILLIAMS, Gray's Anatomy, Ed.38., Churchill Livingstone.
8. EMERY, Medical Genetics.

2. Physiology

1. Guyton; Text book of Physiology, 9th edition.
2. Ganong; Review of Medical Physiology, 19th edition
3. Vander; Human Physiology, 5th edition
4. Choudhari; Concise Medical Physiology, 2nd edition
5. Chaterjee; Human Physiology, 10th edition
6. A.K. Jain; Human Physiology for BDS students, 1st edition
7. Berne & Levey; Physiology, 2nd edition
8. West-Best & Taylor's, Physiological basis of Medical Practise, 11th edition

EXPERIMENTAL PHYSIOLOGY:

1. Rannade; Practical Physiology, 4th edition

2. *Ghai; a text book of practical physiology*
3. *Hutchison's; Clinical Methods, 20th edition*

3. Biochemistry

1. *Concise text book of Biochemistry (3rd edition) 2001, T.N. Pattabiraman*
2. *Nutritional Biochemistry 1995, S. Ramakrishnan and S.V. Rao*
3. *Lecture notes in Biochemistry 1984, J.K. Kandlish*

REFERENCE BOOKS:

1. *Text book of Biochemistry with clinical correlations 1997, T.N. Devlin*
2. *Harper's Biochemistry, 1996, R.K. Murray et.al*

Basic and applied Dental Biochemistry, 1979, R.A.D. Williams & J.C. Elliot

4. Dental Anatomy, Embryology and Oral Histology

1. *Orban's Oral Histology & Embryology- S.N. Bhaskar*
2. *Oral Development & Histology- James & Avery*
3. *Wheeler's Dental Anatomy, Physiology & Occlusion- Major M. Ash*
4. *Dental Anatomy- its relevance to dentistry – Woelfel & Scheid*
5. *Applied Physiology of the mouth – Lavelle*
6. *Physiology & Biochemistry of the mouth – Jenkins*

5. General Pathology

1. *Robbins – Pathologic Basis of Disease Cotran, Kumar, Robbins*
2. *Anderson's Pathology Vol 1 & 2 Editors – Ivan Damjanov & James Linder*
3. *Wintrobe's clinical Haematolog Lee, Bithell, Foerster, Athens, Lukens*

6. Microbiology

1. *Text book of Microbiology – R. Ananthanarayan & C.K. Jayaram Paniker*
2. *Medical Microbiology – David Greenwood et al.*
3. *Microbiology – Prescott, et al.*
4. *Microbiology – Bernard D.Davis, et al.*

5. Clinical & Pathogenic Microbiology – Barbara J Howard, et al.
6. Mechanisms of Microbial diseases – Moselio Schaechter, et al.
7. Immunology an Introduction – Tizard
8. Immunology 3rd edition – Evan Roilt, et al.

7. Dental Materials

1. Phillips Science of Dental Materials- 10th edn.- Kenneth J. Anusavice
2. Restorative Dental Materials- 10 edn. Robert G. Craig
3. Notes on Dental Materials- E.C. Combe
4. Prep. Mannual for undergraduates- Dr. M.S. Koudi & Dr. Sanjay Gouda B. Patil

8. General and dental pharmacology and therapeutics

1. R.S. Satoskar, Kale Bhandarkar's Pharmacology and Pharmacolherapentics, 10th Edition, Bombay Popular Prakashan 1991.
2. Bertam G katzung, Basic and Clinical pharnacology 6th cd. Appleton & Lange 1997
3. Laucrence D.R. Clonical pharmacology 8th ed. Churchill Livingstane 1997
4. Satoskar R.S. & Bhandarkar S.D., pharmacology and pharmaco Therapeutics part I & part ii, 13th popular prakashan Bombay 1993
5. Tripathi K.D. Essentials of Medical pharmacology 4th ed jaypee Brothers 1999.

9. General Medicine

Textbook of Medicine Davidson
Textbook of Medicine Hutchinson

10. General Surgery

Short practice of Surgery Baily & Love

11. Oral Pathology & Oral Microbiology

1. A Text Book of Oral Pathology Shafer, Hine & Levy
2. Oral Pathology – Clinical Pathologic correlations Regezi & Sciubba.
3. Oral Pathology Soames & Southam
4. Oral Pathology in the Tropics Prabhu, Wilson, Johnson & Daftary

12. Public Health Dentistry

1. Dentistry Dental Practice and Community by David F. Striffler and Brain A. Burt, Edn.- 1983. W.B. Saunders Company
2. Principles of Dental Public Health by James Morse Dunning, IVth Edition, 1986, Harward University Press.
3. Dental Public Health and Community Dentistry Ed by Anthony Jong Publication by The C.V. Mosby Company 1981
4. Community Oral Health-A system approach by Patricia P. Cormler and Joyee. I. Leavy Published by Appleton-Century-Crofis/New York, 1981
5. Community Dentistry-A problem oriented approach by P.C. Dental Hand book, series Vol 8 by Stephen L. Silverman and Ames F. Tryon, Series editor-Alvin F. Gardner, PSC publishing company Inc. Littleton Massachuseltis, 1980.
6. Dental Public Health- An Introduction to Community Dentistry. Edition by Geoffrey L. Slack and Brain Burt, Published by John Wrigth and sons Bristol, 1980
7. Oral Health Surveys- Basic Methods, 4th edition, 1997, published by W.H.O. Geneva available at the regional office New Delhi.
8. Preventive Medicine and Hygiene-By Maxcy and Rosenau, published by Appleton Century Crofts, 1986.
9. Preventive Dentistry-by J.O. Forrest published by John Wright and sons Bristoli. 1980.
10. Preventive Dentistry by Murray, 1997.
11. Text Book of Preventive and Social medicine by Park and Park, 14th edition.
12. Community Dentistry by Dr. Soben Peter.
13.Introduction to Bio-statistics by B.K. Mahajan
14.Introduction to Statistical Methods by Grewal

13.Pediatric and Preventive Dentistry

1. Pediatric Dentistry (Infancy through Adolescences) Pinkhan.
2. Clinical Use of Fluorides-Stephen H.Wei.
3. Understanding of Dental Caries-Niki Foruk.
4. Handbook of Clinical Pedodontics-Kenneth. D.
5. Dentistry for the Child and Adolescence- Mc. Donald.
6. Pediatric Dentistry- Damle S.G.
7. Behaviour Management-Wright
8. Traumatic Injuries-Andereason
9. Textbook of Pedodontics- Dr. Shobha Tandon

14. Oral Medicine and Radiology

a) Oral Diagnosis, Oral Medicine & Oral Pathology
1. Burkit – Oral Medicine – J.B. Lippincott Company
2. Coleman- Principles of Oral Diagnosis – Mosby Year Book
3. Jones – Oral Manifestations of Systemic Diseases – W.B. Saunders company
4. Mitchell -Oral Diagnosis & Oral Medicine
5. Kerr – Oral Diagnosis
6. Miller – Oral Diagnosis & Treatment
7. Hutchinson – clinical Methods
8. Oral Pathology – Shafers
9. Sonis S.T., Fazio.R.C. and Fang.L – Principles and Practice of Oral Medicine
b) Oral Radiology
1. White & Goaz – Oral Radiology – Mosby Year Book
2. Weahrman – Dental Radiology – C.V. Mosby Company
3. Stafne – Oral Roentgenographic Diagnosis – W.B. Saunders Co.,
c) Forensic Odontology
1. Derek H. Clark – Practical Forensic Odontology- Butterworth – Heinemann (1992)
2. C Michael Bowers, Gary Bell – Manual of Forensic Odontology – Forensic Pr (1995)

15.Orthodontics and Dentofacial Orthopedics

1. Contemporary Orthodontics William R. Proffit
2. Orthodontics For Dental Students White And Gardiner
3. Handbook Of Orthodontics Moyers
4. Orthodontics-Principles And Practice Graber

5. Design, Construction And use Of Removable Orthodontic Appliances C. Philip Adams
6. Clinical Orthodontics: Vol 1 & 2 Salzmann

16. Oral and Maxillofacial Surgery

1. Impacted teeth; Alling John F & etal.
2. Principles of oral and maxillofacial surgery: Vol 1, 2 & 3 Peterson LJ & etal.
3. Handbook of medical emergencies in the dental office, Malamed SF.
4. Killeys Fractures of the mandible; Banks P.
5. Killeys Fractures of the middle 3rd of the facial skeleton; Banks P.
6. Killey and Kays outline of oral surgery – Part-1; Seward GR & etal
7. Essentials of safe dentistry for the medically compromised patients; Mc Carthy FM
8. Extraction of teeth; Howe, GL
9. Minor Oral Surgery; Howe GL

17. Prosthodontics, Crown & Bridge

1. Syllabus of Complete denture by – Charles M. Heartwell Jr. and Arthur O. Rahn.
2. Boucher's "Prosthodontic treatment for edentulous patients"
3. Essentials of complete denture prosthodontics by – Sheldon Winkler
4. Maxillofacial prosthetics by – Willam R. Lancy
5. McCraken's Removable partial prosthodontics
6. Removable partial prosthodontics by – Ernest L. Miller and Joseph E. Granso

18. Periodontology

1. Glickman's Clinical Periodontology-Carranza

REFERENCE BOOKS:

1. Essentials of Periodontology and Periodontics-Torquil Macphee
2. Contemporary Periodontics-Cohen
3. Periodontal therapy-Goldman
4. Orbans' Periodontics-Orban
5. Oral Health Survey-W.H.O.
6. Preventive Periodontics-Young and Stiffler
7. Public Health Dentistry- Slack
8. Advanced Periodontal Disease-John Prichard
9. Preventive Dentistry-Forrest
10. Clinical Periodontology-Jan Lindhe
11. Periodontics-Bear & Morris.

19. Conservative Dentistry and Endodontics

1. Esthetic guidelines for restorative dentistry:Scharer & others

2. Esthetics of anterior fixed prosthodontics: Chiche (GJ) 7 Pinault (Alain)

3. Esthetic & the treatment of facial form, Vol 28: Mc Namara (JA)

20. Aesthetic Dentistry

1. Aesthetic guidelines for restorative dentistry:Scharer & others

2. Aesthetics of anterior fixed prosthodontics:Chiche (GJ) & Pinault (Alain)

3. Aesthetic & the treatment of facial form, Vol 28: Mc Namara (JA)

21. Forensic Odontology

1. Practical Forensic odontology-Derek Clark

22. Oral Implantology

1. Contemporary Implant Dentistry - Carl. E. Misch Mosby 1993 First Edition.

2. Osscointegration and Occlusal Rehabilitation Hobo S., Ichida. E. and Garcia L.T. Quintessence Publishing Company, 1989 First Edition.

23. Behavioral Science

1. General psychology-Hans Raj, Bhatia

2. Behavioral Sciences in Medical practice- Manju Mehta

24. Ethics

1. Medical Ethics, Francis CM., I Ed. 1993, Jaypee Brother, New Delhi p. 189.

Note 1. Books titles will keep on adding in view of the latest advances in the Dental sciences .

2. Standard Books from Indian Authors are also recommended.

List Of JOURNALS:

1. Journal of Dentistry
2. British Dental Journal
3. International Dental Journal
4. Dental Abstracts
5. Journal of American Dental Association
6. British Journal of Oral and Maxillofacial Surgery
7. Oral Surgery, Oral Pathology and Oral Medicine
8. Journal of Periodontolgy
9. Journal of Endodontics

10. American journal of Orthodontics and Dentofacial Orthopedics
11. Journal of Prosthetic Dentistry
12. Journal of public Health Dentistry
13. Endodontics and Dental Traumatology
14. Journal of Dental Education
15. Dental Update
16. Journal of Dental Materiel

Note: This is the minimum requirement More journals both Indian and Foreign are recommended for imparting research oriented education"

20. It is pertinent to note that the Court has interacted with the experts from the expert committee formulated in pursuance to the said recruitment and a few of the petitioners, who as per their wisdom have exchanged the queries and rationale behind the said disputed question-answers.

21. The petitioners have contested the following questions, as against the answers furnished in the final answer key dated 06.08.2024 and have submitted that out of the 16 corrections. For instance, some of the disputed questions are noted herein below, however, it is made clear that the following are merely for illustration purpose:-

1. ***Question ID 3008641279***- *What is the recommendation for use of fluoride dentifrice in children aged 4-6 years:*

(a) Twice daily with fluoride paste and once without paste
(b) Thrice daily with fluoride paste
(c) Once daily with fluoride paste and twice without paste
(d) Not recommended

Explanation:- The experts after evaluation of the said question marked option No. (a) as the correct answer. To substantiate the said answer the Expert Committee noted

that the candidates who have submitted that objection qua the said questions have considered and relied upon certain books and study material which are not approved by the Dental Council of India (hereinafter referred to as 'DCI'). The reference is BDS course regulations available on the official website of DCI wherein the subject of the question is Pediatric Dentistry and book that is to be relied upon Pediatric Dentistry. Further affirmation qua the same is also attained from the context published in two books i.e. Shobha Tandon Third Edition and McDonald and these two books answer the said question as "twice daily with fluoride paste".

2. ***Question ID 3008641293*** *– Which of the following types is of fissures are most prone to caries:*

(a) I type
(b) IK- type
(c) Inverted Y- type
(d) V- type

Explanation:- The experts after evaluation of the said question marked option No. (c) as the correct answer. To substantiate the said answer the Expert Committee noted that the candidates who have submitted that objection qua the said questions have considered and relied upon the book titled as 'Pediatric Dentistry Principles and Practice' by Ms. Muthu Chapter 21, howsoever, the said book is not approved and recommended by DCI. Thence, the Expert Committee had relied upon the book by Nikhil Marwah, 5th Edition which is the latest edition. It is pertinent to note that in the BDS course regulation it is specifically noted under NOTE 2-'Standard books from Indian Authors are also recommended', keeping the said note in line, reliance is placed on the said book which is written by an Indian Author. The answer noted by the petitioners was IK- type fissures "are suspect-able to caries" nevertheless in the question it was asked "most prone to". Therefore, it can be inferred that there is a difference between the two. Under the book of Nikhil Marwah it is categorically stated that the answer to the

said question is Inverted Y- type are most prone to caries. Therefore, there is no ambiguity in the said answer.

22. Further, learned counsel appearing on behalf of the respondents have submitted a list of books which are approved by DCI. For the sake of convenience and brevity, the relied upon books and the correct answers as tendered by the Expert Committee are tabulated herein-below:

Rajasthan University Health Science	**Correct Answer as per Answer Key**	**Correct Answer as per Expert**	**Final Correct Answer**	**No Change /Change Required**	**Text Book**
Question Number: 9 Question ID: 3008641215 Question Type : MCQ Option Shuffling : Yes Correct Marks : 1 Wrong Marks : 0	3	1,2,4	1,2,4	Change Required	Carranza's 13th Editions
Radiographic signs of trauma from occlusion include the following					
1. Increased width of the periodontal space					
2. A vertical rather than horizontal destruction of the interdental septum					
3. Periodontal pockets					
4. Root resorption					
Question Number : 17 Question ID : 3008641223	2	None (Bonus for all)	None (Bonus for all	Change Required	
Verruca vulgaris is caused by					
1. Arena virus					
2. Paramyxovirus					
3. Rhabdovirus					
4. Picornavirus					
Question Number : 27 Question ID : 3008641233	2	None (Bonus for all)	None (Bonus for all	Change Required	
Intra-epidermal abscess is seen in					
1. Hailey-Hailey Disease					
2. Pemphigus					
3. Lichen planus					
4. Pemphigoid					
Question Number : 39 Question ID : 3008641245					

All of the following structures associated with pteryopalatinefossa, except	2	2	2	No Change	Gray's 3rd Ed.
1. Pteryopalatine ganglion					
2. Mid third of maxillary artery					
3. Maxillary nerve					
4. Greater petrosal nerve					
Question Number : 40 Question ID : 3008641246	1	1	1	No Change	Devidon 24th Ed.
A 75 years old patient clutches chest and fall down. A physician arrives on the scene. What's the first thing to be done by physician:					
1. Call for help					
2. Check pulse					
3. Chest Compression					
4. Clear patent airway					
Question Number : 49 Question ID : 3008641255	2	2,4	2,4	Change Required	Devidson
Which of these is not a type of Generalised Seizure:					
1. Tonic clonic					
2. Myogenic					
3. Absence					
4. Atonia					
Question Number : 53 Question ID : 3008641259	3	3	3	No Change	Deidson 24th Edition
Thrombolytics can be given in treatment of Acute MI, if patient comes within:					
1. 3 hours					
2. 6 hours					
3. 12 hours					
4. 24 hours					
Question Number : 72 Question ID : 3008641278	3	3	3	No Change	Carranza, 13th Ed. 14th Edition
PerioCol-CG dimension					
1. (4 x 5 x 0.25-0.34 mm)					
2. (4 x 5 x 0.25-0.31 mm)					
3. (4 x 5 x 0.25-0.32 mm)					
4. (4 x 5 x 0.25-0.30 mm)					
Question Number : 73 Question ID : 3008641279	2	3	3	Change Required	Shobha Tandon, Mc. Donald
Which is the recommendation for use of fluoride dentifrice in children aged 4-6 years					
1. Not recommended					
2. Once daily with fluoride past and twice without paste					
3. Twice daily with fluoride paste and once without paste					

4. Thrice daily with fluoride paste					
Question Number : 87 Question ID : 3008641293	2	2	2	No change	Nikhil Marwa
Which of the following types of fissures are most prone to caries					
1. V type					
2. Inverted Y-type					
3. IK-type					
4. I type					
Question Number : 88 Question ID : 3008641294	1	1,3	1,3	Change Required	Shafer's Ed.
Craniosynostosis, craniofacial anomalies, syndactyly of hand and feet, preaxial polysyndactyly, soft tissues syndactyly seen in:					
1. Carpenter syndrome					
2. Crouzon syndrome					
3. Apert syndrome					
4. Down syndrome					
Question Number : 93 Question ID : 3008641299	3	None (Bonus for all)	None (Bonus for all)	Change Required	
Cyst found within bone at the junction of globular process, lateral nasal process and maxillary process:					
1. Nasoalveolar cyst					
2. Nasopalatine cyst					
3. Globulomaxillary cyst					
4. Median palatine cyst					
Question Number : 95 Question ID : 3008641301	1	None (Bonus for all)	None (Bonus for all)	Change Required	
In conscious sedation nitrous oxide and oxygen is given at the ratio of					
1. 80:20					
2. 20:80					
3. 60:40					
4. 40:60					
Question Number : 99 Question ID : 3008641305	2	2	2	No Change	Boucher
The primary denture support area for a mandibular complete denture is					
1. The vestibule					
2. The buccal shelf					
3. The palatopharyngeal fold					
4. The buccal and lingual slope of residual ridge					
Question Number: 100 Question ID : 3008641306					
Which impression technique is used for a sharp mandibular ridge?					

1. Minimum pressure impression technique	1	2	2	Change Required	Boucher 13th Ed.
2. Selective pressure technique					
3. Neutral zone impression technique					
4. Functional impression technique					

23. In order to even acknowledge the scope of change in the final answer key dated 06.08.2024, this Court after analyzing the questions illustratively noted above, cannot help but highlight the need to adopt an inferential process of reasoning, including the comparative analysis and juxtaposition of various reports and study material, to arrive at an objective decision. Having said that, it is noted that the respondent-RUHS, pursuant to the receiving of the objections against the model answer key, has exercised its discretion, consulted with the experts and thereafter, effectuated necessary changes, as is illustratively reflected by the questions noted above. Therefore, no rare and exceptional case arises, whereby this Court without adopting an inferential process of reasoning or rather, a process of rationalization, permits scrutiny of the final answer key dated 06.08.2024.

24. In this regard, it is noted that on the basis of the reports of the Expert Committee and also, on the consideration of the objections so received by the Expert Committee, the respondent-RUHS finally adopted the experts report and deleted 4 questions (whereby, bonus marks were given to all candidates, due to wrong framing of the following question ID nos. - 3008641299; 3008641301; 3008641223; 3008641233) in total and changed the answer in 5 questions. Whereas, qua the remaining questions against which the objections were received,

the original answers noted in the model answer key, were maintained. Correspondingly, it is noted that this Court whilst undertaking the exercise of judicial review, merely scrutinizes the process in question - administrative or statutory, but necessarily public in its outcome, to see if it was arrived at in a fair and regular manner, free from illegality and not motivated by malice or *mala fides*. The process and the impugned finding, ought not to be so manifestly unreasonable in its conclusion, that no reasonable individual placed in an akin situation would arrive at such a conclusion.

25. However, in the foregoing facts and circumstances of the matter in hand it can be inferred that the objections raised by the petitioners/candidates against the model answer key were duly taken note of the by the respondent-RUHS and thereafter, in examining those objections, the Expert Committee duly analyzed the merits and correctness of the objections and thereafter, effectuated necessary changes in the final answer key dated 06.08.2024, wherever required, as is noted above. Therefore, no procedural lapse occurred in carrying out the said exercise. In such an event, any challenge raised to the correctness and/or validity of the opinion of the experts, on the basis of which the final answer key dated 06.08.2024 was amended. Consequentially, this Court, is not inclined to tender interference in the instant matter.

26. Therefore, as long as all the candidates who took the said examination, are treated equally viz-a-viz the system of evaluation in place, *sans* discrimination, then no grievance qua the

impugned examination subsists. It is well settled law that in academic matters, the experts word is the last word. The court neither has the requisite expertise nor infrastructure to go into the correctness of such decisions. As a result, the court cannot sit in judgment over those findings of experts and examine the material on record and arrive at its own conclusions as a court of appeal. It is also not possible in such circumstances to go on appointing committees, especially when the experts have duly analyzed the objections received from the candidates/petitioners and thereafter, released the final answer key dated 06.08.2024. An unending litigation for employment in public posts, in connection with which, the career trajectory of so many young individuals is coherently tied up with, cannot be permitted to be in abeyance for so long, that the end result subsumes and overshadows the duress and hardship faced by the litigants. Moreover, even as per the salutary rule as endorsed in **Sindhu B.S. Vs. Union Of India & Ors.** registered as **WP (C) No. 21640/2023**, the writ jurisdiction of the Courts cannot be invoked to check correctness of 'answer key', as it is purely an academic matter. The relevant extract from the afore-cited ratio is reproduced herein below:

> *"3.* ***The question regarding the correctness or otherwise of an answer key is a purely academic matter which is not an aspect that can be reviewed in the exercise of the extraordinary jurisdiction of this Court under Article 226 of the Constitution of India.*** *This Court had on the earlier occasion directed consideration of the representation submitted by the petitioner and others, and pursuant to the judgment of this Court a committee of experts had been appointed to go into the question.* ***It is thereafter that Ext. P1 report has been prepared. This***

> ***Court is not sitting in appeal over the decision of the expert body*** *(see the judgment in* ***HP Public Service Commission Vs. Mukesh Thakur & Ors. (2010) 6 SCC 759*** *and* ***Ram Vijay Singh and Ors. Vs. State of U.P. and Ors. (2018) 2 SCC 857****). It is also settled law that the Court while exercising its power of judicial review is concerned with the decision-making process and not the decision as such and a mere disagreement with the decision-making process or the decision of the administrative authority is no reason for a constitutional Court to interfere. (See* ***Afcons Infrastructure Ltd. Vs. Nagpur Metro Rail Corpn. Ltd. [(2016) 16 SCC 818], Dwarkadas Marfatia and Sons Vs. Port of India [(1989) 3 SCC 293], Tata Cellular Vs. Union of India [(1994) 6 SCC 651]*** *and* ***Jagdish Mandal Vs. State of Orissa [(2007) 14 SCC 517]****."*
>
> *(Emphasis laid)*

27. As a result, the answer key should be assumed to be correct unless it is proved to be wrong, albeit the same should not be held to be wrong by an inferential process of reasoning or by a process of rationalization. It must be clearly demonstrated to be wrong, that is to say, it must be such as no reasonable body of men well-versed in the particular subject would regard as correct. However, such was not the case in the facts and circumstances of the present case, as demonstrated above. If it is a case of doubt, unquestionably the answer-key must be preferred and only if it is beyond the realm of doubt, the possibility of judicial review must be entertained. In this regard, reliance can be placed upon the dictum of this Court, as previously enunciated in **Surjan Lal Dhawan (Supra)**. The view as noted above, has also been reiterated by the Hon'ble Apex Court in a catena of judgments namely **Rahul Singh (Supra)**, **Arun Kumar (Supra)** and

Mukesh Thakur (Supra) and **Tajvir Singh Sodhi (Supra)** and also, the Division Bench of this Court headed by the Hon'ble Chief Justice Mr. M. M. Srivastava as enunciated in **Kavita Bhargava (Supra)**.

CONCLUSION

28. In summation of the aforementioned, it can be noted that the Hon'ble Apex Court in a catena of judgments as cited above has categorically opined that the Courts have limited jurisdiction to exercise the powers enshrined under Article 226 of the Constitution of India, and as per the Bhartiya Sakshya Adhiniyam especially when the matters pertain to academic matters wherein the experts' word is the last word; that the court neither has the requisite expertise nor infrastructure to go into the correctness of such decisions; that the respondent-RUHS has duly complied with and has followed the due process of conducting the examination, requesting objections and tendering reasonable justification qua the same; that the respondents in the Information Booklet, 2024 for MODDRE, 2024 have categorically stated the syllabus for the said examination wherein all the subjects studied by the candidates during their BDS graduation programme including the webinars, conferences, seminars, articles and latest publications/editions of books & articles of eminent national and international authors; that the respondent-RUHS has tendered reasonable justification qua each disputed question; that the experience of the experts cannot be overlooked, hence, this Court is of the view that no judicial intervention is warranted in the instant dispute.

29. Accordingly, the instant batch of petitions being devoid of any merits, stand dismissed. No orders as to cost. Pending applications, if any, shall stand disposed of.

(SAMEER JAIN),J

Pooja/