

**HIGH COURT OF TRIPURA  
AGARTALA**

**WA No. 31 of 2020**

**1. The State of Tripura,**

Represented by the Secretary cum Commissioner, School Education Department, Government of Tripura, New Secretariat Complex, Gurkhabasti, Agartala, PO Kunjaban, PS New Capital Complex, Sub-Division Sadar, District West Tripura, PIN 799006

**2. The Chairman,**

Teacher's Recruitment Board, Tripura, Education (School) Department, Government of Tripura, Shiksha Bhavan, Sub-Division Sadar, District West Tripura, PIN 799001

**3. The Controller of Examinations,**

Teacher's Recruitment Board (TRBT), Education (School) Department, Government of Tripura, Shiksha Bhavan, Sub-Division Agartala, District West Tripura, PIN 799001

----- Appellant(s)

*Versus*

**Smt. Sangita Chakraborty,**

Wife of Sri Runu Chakraborty, resident of Village Purva Ramchandraghat, PO Ramchandraghat, District Khowai Tripura, Pin 799207

-----Respondent(s)

For Appellant(s)

: Mr. D Bhattacharya, GA.  
Mr. P. Saha, Advocate.

For Respondent(s)

: Mr. Kousik Roy, Advocate.

Date of Hearing

: **21<sup>st</sup> June, 2022.**

Date of Pronouncement

: **4<sup>th</sup> July, 2022.**

Whether fit for reporting

: YES

**B\_E\_F\_O\_R\_E\_**

**HON'BLE THE CHIEF JUSTICE MR. INDRAJIT MAHANTY  
HON'BLE MR. JUSTICE S.G. CHATTOPADHYAY**

**JUDGMENT & ORDER**

***[Per S.G. Chattopadhyay], J***

This writ appeal is directed against the judgment and order dated 22.01.2020 passed by the learned Single Judge in WP(C) No.1024 of 2019.

**[2]**

The Factual background of the case is as under:

Petitioner Smt. Sangita Chakraborty (respondent herein), after obtaining a Bachelor degree in Arts (BA) from Kamalpur Government Degree

College in 2006 and 2 years diploma in elementary education appeared in Tripura Teachers' Eligibility Test (T-TET in short) held on 30.12.2018 to qualify for appointment as a teacher in elementary school. Tentative result of the test was declared on 01.01.2019 and the candidates were asked to offer feedback. After obtaining feedback from the candidates, final result of T-TET was published on 14.01.2019. The respondent came out to be unsuccessful because she could not score minimum 60% marks in the said examination. She scored 88 out of 150 marks which was less than 60%. Respondent challenged the result on the ground that she wrote correct answers to question Nos.101, 79, 41, 69, 82 and 83 but the appellant erroneously held that her answers were incorrect. It would be appropriate to reproduce the answers given by the respondent and the answers which are correct according to the appellant in a tabular form which are as under:

Sl. No.	Question	Answer given by the petitioner	Answer in the final Result Sheet (Page 19)
1.	<b>Question No.101:</b> The largest coal mine of India is- A. Jharia Mines, B. Gevra Mines, C. Singareni Mines, D. None of the above.	A. Jharia Mines	B. Gevra Mines
2.	<b>Question No.79: 'Hawa' and 'Lal',</b> both the words are- A. Arabi, B. Deshi, C. Tatsham, D. None of the above.	C. Tatsham	A. Arabi
3.	<b>Question No.41:</b> We walked____the edge of the desert- A. Upto, B. Until, C. As far as, D. None of the above.	A. Upto	C. As far as
4.	<b>Question No.69:</b> When was Rabindranath Tagore's 'Gitanjali' Novel Published- A. 1913, B. 1912, C. 1910, D. None of the above.	B. 1912	C. 1910
5.	<b>Question No.82:</b> The students like those teachers, who are-		

	A. Who runs as per Student's dictation, B. Who allows leave now and then, C. Who can tell good stories, D. None of the above.	C. Who can tell good stories	D. None of the above
<b>6.</b>	<b>Question No.83:</b> The language to be learnt properly for which the important thing is that- A. Right voice pronunciation, B. Hearing attentively, C. Speaking, D. None of the above.	B. Hearing attentively	A. Right voice pronunciation

**[3]** Aggrieved by and dissatisfied with the result, the respondent approached this Court by filing WP(C) No.1024 of 2019 claiming that she gave correct answers on the basis of her knowledge which she gathered from the books approved by Tripura Board of Secondary Education but the appellant did not give any mark even for the correct answers given by her. As a result, she was declared unsuccessful. The respondent claimed the following reliefs:

- “(a) Admit this petition,
- (b) Call for the records,
- (c) Issue notice upon the respondents.

AND

After hearing would be pleased to set aside/quash/cancel the Letter vide No.F.1(1-15)/TRBT/ESTD/2019/103 issued by the respondent No.2 dated 02.07.2019.

AND

Would further be pleased to direct the respondents to consider the petitioner, as a selected one in the Examination held on 30.12.2018.

AND

To pass any other Order/Orders as Your Lordship may deem fit and proper.”

**[4]** The appellants who were the respondents before the learned Single Judge filed counter affidavit asserting that feedbacks received from the candidates after publication of the tentative answer key on 01.01.2019 were examined by the subject experts and only thereafter the final answer sheet was prepared and published on 14.01.2019 by the Teachers' Recruitment Board, Tripura (TRBT)

completely on the basis of expert opinion. The relevant extract of the counter affidavit of the State respondents filed before the learned Single Judge is as under:

"7. That, in reply to the contentions or averments made in Para 2.3 of the Writ Petition, It is stated that the Tentative Answer Key was published on 01.01.2019 inviting feedback from candidates. The Feedbacks were examined by Subject expert. After that the Final Answer Key was prepared and published on 14.01.2019 by Teachers' Recruitment Board, Tripura (TRBT) based on the opinion given by experts on feedbacks submitted by candidates. TRBT Published the result based on final answer key on 08.02.2019.

The copy of Tentative Answer Key and Final Answer Key is marked as **Annexure-R/2 & Annexure-R/3** respectively.

Notice of Tentative Answer Key is marked as Annexure R/4.

8. That, in reply to the contentions or averments made in Para 2.4 of the Writ Petition, It is submitted that the petitioner got 88 out of 150 which is 2 marks short of pass mark i.e. 90. The result was prepared and published on 08.02.2019 based on the final answer key. T-TET certificate is given to all candidates who obtained pass mark fulfilling all eligibility criteria.

I deny and dispute the other contentions except the matter of record.

9. That in regard to the statements made in Para 2.5 of the Writ Petition it is stated that the SPIO of Teachers Recruitment Board has replied to the petitioner. TRBT prepared the final Answer key only after the challenges/feedbacks are examined by subject experts. The opinion of Expert is treated as final. The Board can not alter the opinion of the expert. The same is written in the Prospectus cum Instructions also."

**[5]** The State respondents filed an additional counter affidavit on 20.01.2020 claiming as under:

"3. That, I humbly submit that one of the essential qualification for a person to be eligible for appointment as a teacher in elementary stage is that he/she should pass Teacher Eligibility Test (TET). TET is conducted in two papers, viz. Paper-I for the teachers for classes I-V and Paper-II for the teachers for the classes VI-VIII. Total marks for each paper is 150 in 5(five)/4(four) subjects. A candidate who secures 60% marks in TET will be declared as pass. Relaxation of 5% marks has been allowed for SC/ST/PH candidates in Tripura. The validity of the TET pass Certificate shall remain for seven years. Due weightage is given to TET pass candidates during recruitment of teachers in elementary stage. However, appearing/qualifying in Teacher Eligibility Test will not confer the right to claim for appointment/engagement for any post of teachers.

In any schools as referred to above. In Tripura T-TET is being conducted every year through Teachers Recruitment Board, Tripura (TRBT). During 2018 T-TET were conducted in two sessions. First session was conducted on 9<sup>th</sup> August, 2018 and after verification of documents T-TET pass certificates were issued to qualified candidates.

The second session Teacher Eligibility Test (T-TET) 2018 was conducted on 30.12.2018 by the Teachers Recruitment Board, Tripura. The results of the test were published on 08.02.2019. After verification of relevant documents of qualified candidates T-TET pas Certificates have been issued on 06.09.2019 to 95 candidates in Paper-I and 182 candidates in **Paper-II** who have obtained at least 60% marks by General category candidates and 55% marks by SC/ST candidates i.e. scoring of 90 marks out of 150 for general candidates and 83 marks for SC/ST/PH candidates as per guidelines framed by the National Council for Teacher Education (NCTE). Thus, the process for the 2<sup>nd</sup> session T-TET 2018 held in December 2018 has been completed in August 2019.

Regarding appointment of teachers I humbly submit that it is being done as per the availability of vacant posts in Govt./Govt. aided schools. The Directorate of Elementary Education has issued offers of appointment to 141 eligible candidates for primary stage and 269 candidates for upper primary stage in January 2020 as per the recommendation of the Teachers Recruitment Board, Tripura in pursuant to the advertisement issued on 2<sup>nd</sup> March 2019. The candidates who have appeared & passed TET up to August 2018 could not apply for these posts.

It is to be mentioned here that the T-TET 2019 has also been conducted in October 2019 and results of the TET 2019 has been published in December 2019. The recruitment of teachers from T-TET qualified candidates is under process.

Smt. Sangita Chakraborty, the petitioner appeared in second session **T-TET (Paper-II)** held on 30.12.2018 but could not pass as she secured 88 marks (pass mark-90) out of 150. So, she cannot claim to have passed without getting the pass marks and she is not eligible to apply for the post of teacher in elementary stage.”

**[6]** Counsel appearing for the writ petitioner (respondent herein) argued before the learned Single Judge that the petitioner gave correct answers to question Nos.101,79,41,69,82 and 83 supported by the authentic publications approved by the State authority. Despite giving correct answers, she was not given any mark for those answers and she was wrongly declared unsuccessful. Counsel contended before the learned Single Judge that even though the scope of judicial review of the matter was very limited, the decision of the Board was amenable to

judicial review. Counsel of the petitioner (respondent herein) relied on two decisions of the Hon'ble Supreme Court before the learned Single Judge which are as under:

**[1] Kanpur University, through Vice-Chancellor & Ors. vs. Samir Gupta & Ors.** reported in **(1983) 4 SCC 309;**

**[2] Naba Gopal Mandal vs. State of West Bengal & Ors.** decided on 13.02.2019 in **WP 3476 (W) of 2018.**

**[7]** The State counsel opposed the contentions raised by the counsel of the petitioner and contended before the learned Single Judge that the answer key was published with the opinion of experts. The feedbacks received from the candidates were also examined by the Committee of experts before final publication of the result. The State counsel, therefore, argued that there was no scope of judicial review in the matter. In support of his contentions, the State counsel relied on the following decisions:

**[1] Ran Vijay Singh & Ors. vs. State of Uttar Pradesh & Ors.** reported in **(2018) 2 SCC 357;** सत्यमेव जयते

**[2] Uttar Pradesh Public Service Commission, through its Chairman & Anr. vs. Rahul Singh & Anr.** reported in **(2018) 7 SCC 254.**

**[8]** Learned Single Judge was of the view that unless there was a glaring error which emerges *ex-facie* from the record, role of the Court in dissecting the correctness or otherwise of the decision of an expert body in such cases would be extremely limited. The learned Single Judge also held that situation emerges where such expert bodies also make an error in the questions or sometimes in the keys to the answers and scope of judicial review in such cases is not totally shut out. In this background, the learned Single Judge examined the questions and the

conflicting answers and came to the conclusion that marks awarded for question Nos. 79,41 and 69 call for no interference. Insofar as, question Nos. 82 and 83 are concerned, learned Single Judge was of the view that there were ambiguity and imperfection in those questions and there were possibility of more answers than one being correct which destroyed the validity of the question itself. The learned Single Judge, therefore, held that both the questions must be discarded for evaluation. In respect of question No. 101, it was held by the learned Single Judge that the petitioner gathered the information from multiple sources in public domain and some of the publications, she consulted, were also approved by the school Board of the State. Therefore, she cannot be blamed for giving an answer which is so widely publicized by various publishers for the purpose of preparation for such competitive examinations. The learned Single Judge held that the petitioner should have been awarded 1 (one) mark for the answer given by her to question No. 101. It was decided by the learned Single Judge that question Nos.82 and 83 would be discarded for the purpose of evaluation and respondent should be judged on the basis of total 148 marks instead of 150 and she would be given 1 (one) mark instead of 0 (zero) for question No. 101. Petitioner would, thus, get 89 out of 148 marks which would work out to be more than 60% and thus she would be declared passed T-TET. The appellants were directed to issue pass certificate to the petitioner within a period of one month. The relevant extract of the judgment of the learned Single Judge is as under:

"11. However, the questions at Sl. Nos.1, 5 and 6 (Questions No.101, 82 and 83 respectively in the question paper) stand on a different footing. I may first deal with questions at Sl. Nos.5 and 6. For convenience one may reproduce the question with the multiple choices indicated in the examination paper:

**Question No.82:** The students like those teachers, who are-

A. Who runs as per student's dictation,

- B. Who allows leave now and then,
- C. Who can tell good stories,
- D. None of the above.

If one reads the question, it immediately becomes clear that the same is not possible of any comprehension. Even the question itself "The students like those teachers, who are-" makes no meaning in ordinary grammatical English language. The multiple choices offered by the examiner only compounds this confusion. By merely stating that the correct answer in such a question would be none of the above, the inherent ambiguity and fallacy of the question itself would not disappear. Multiple choice questions or MCQ as is popularly referred to are questions where one or several choices indicated, only one is correct. Such method of testing knowledge of the examinee with precision also requires great precision at the hands of examiner. Any ambiguity, imperfection in the question or possibility of more answers than one being correct would destroy the validity of the question itself. This question must therefore be discarded.

12. Question at Sl. No.6 with multiple choices presented was as under:

**Question No.83:** The language to be learnt properly for which the important thing is that-

- A. Right voice pronunciation,
- B. Hearing attentively,
- C. Speaking,
- D. None of the above.

Even this question in my opinion like in case of the previous one, simply makes no sense and defies all logic. What does "The language to be learnt properly for which the important thing is that-" mean is difficult to comprehend. Even if that question is accepted as it is, any of the choices presented by the examiner would fit the answer. All in all both the questions are simply beyond any logical comprehension. This is not to suggest that the answers given by the petitioner to such questions were correct or should be treated as correct. This is only to suggest that both the questions must be discarded for evaluation of the petitioner's answers.

13. This brings us to the question at Sl. No.1 (No.101 in question paper). The question and the multiple choices presented in the question paper are as under:

**Question No.101:** The largest coal mine of India is-

- A. Jharia Mines,
- B. Gevra Mines,
- C. Singareni Mines,
- D. None of the above.



14. The petitioner had given answer (A) as a correct choice meaning Jharia Mines. According to the petitioner this is the largest coal mine in India. The respondents had given answer (B) as a correct answer i.e. Gevra Mines, which according to them is the largest. In this context, learned counsel for the petitioner pointed out that in several Government approved books it is stated that the largest coal mine in the country is Jharia Mines. My attention was drawn to the questions on Social Studies (Geography and Economics) for Class-X published by Parul Prakashani Pvt. Ltd. which claimed the basis of its information to Tripura Government Circular dated 10.11.2016, which contained following information:

"Jharkhand: it is the first place which occupies in Coal Drilling (8035356.20 million metric ton). Here the important Coal mines are Jharia, Chandrapura, Bokaro, Ramgar, North & South Kaoapura, Girdi, Jayanti, Daltanganj, Panchwara, etc. **The Jharia Coal mine of Damodar Valley is the largest Coal mine of India.** Here from the coal mines, the high category bitumen coal is available."

15. Likewise in Modern Social Studies (Geography and Economics) for Class-X published by Goodluck Publishers, following information is provided:

**"Jharkhand: In drilling of coal this State has acquired the first place.** The main coal mines of the State are Jharia (largest in India), Bokaro, Chandrapura, Karanpura, Ramgar, Hajaribhag, Dhanbad, Rajmahal, Daltanganj etc."

16. In "Geography Tutor" for Class-X published by Goodluck Publishers, following information is provided:

"51. Largest Coal Mine in India-

(i) Talchere (ii) Jamuria

(iii) Jharia (iv) Korbaye

**Answer:- (iii) Jharia."**

17. In "Social Science Teacher" for Class-VIII published by Chaya Prakashani which is approved by Tripura Board of Secondary Education, following information is provided:

"30. Largest Coal Mine in India

A. Jharia B. Raniganj

C. Bokaro D. Korbaye

**Answer:- Jharia (30-A)"**

18. Thus multiple sources in public domain clearly indicate that Jharia mines are the largest coal mines in India. This information is provided in questions and answers compiled by various publishers specifically for the purpose of preparation in such and similar examinations. Some of these publications are either approved by the School Board of the State or trace

their source of information to Government of Tripura circulars. The respondents cannot lightly discard the information so consistently provided in various such sources and take the shelter of such publications being made by private publishers. Had an isolated publisher and that too unsupported by any Government source, provided such information, it was open for the respondents to ignore the same and insist that the petitioner's answer was wrong. However, in the present case the answer is consistently published in several publications. Some of them tracing their source to Government authenticated sources. The petitioner cannot be blamed for giving an answer so widely publicized. Petitioner must, therefore, get 1(one) mark for attempting the said question correctly.

19. Sum total of this discussion would be that the performance of the petitioner shall have to be judged on the basis of the total of 148 marks [discarding the questions No.82 and 83 of the original question paper] and awarding 1(one) mark where 0(zero) was awarded in question No.101. The petitioner would thus get 89 out of the total of 148 marks which would work out to more than 60% which is the minimum pass marks. The respondents shall modify the result of the petitioner and issue necessary certificate of pass which shall be done within a period of one month from today."

[9] Heard Mr. D. Bhattacharya, learned GA appearing for the State appellants along with Mr. P. Saha, learned advocate. Also heard Mr. Kousik Roy, learned advocate appearing for the respondent (petitioner before the learned Single Judge).

[10] It is contended by Mr. Bhattacharya, learned GA that the Apex Court in the case of **Ran Vijay Singh & Ors. (Supra)** has succinctly held that the Court should not at all re-evaluate or scrutinize the answer sheets of a candidate since it has no expertise in the matter and the academic matters should be left to the academics. Counsel submits that the Apex Court in the said judgment further held that the Court should presume the correctness of the answer key and proceed on that assumption. Relying on the decision of the Apex Court in the case of **Uttar Pradesh Public Service Commission, through its Chairman & Anr. (Supra)**, the State counsel argued that the Apex Court reiterated the law laid down in the case of **Ran Vijay Singh & Ors. (Supra)** and held that where there are conflicting

views, the Court should accept the opinion of the experts. According to the State counsel, in the instant case, the answer key was prepared by a Committee of experts and there is, therefore, no scope to interfere with the result. Counsel, therefore, urges the Court to allow the appeal by setting aside the judgment rendered by the learned Single Judge.

[11] Mr. Kousik Roy, learned counsel appearing for respondent Smt. Sangita Chakraborty contends that the learned Single Judge has rightly discarded question Nos.82 and 83 for the purpose of evaluation on the ground that the question themselves are ambiguous and imperfect which invite more than one correct answer. According to Mr. Roy, learned counsel, where the validity of the questions are in doubt, the petitioner cannot be given lesser marks on the ground that she gave wrong answers to those questions. Counsel would further contend that the petitioner produced several publications approved by the State authorities before the learned Single Judge to establish that the answer given by her to question No.101 was correct. Learned counsel, therefore, contends that there is no ground to interfere with the judgment of the learned Single Judge. To nourish his contention, counsel has relied on the decision of the Apex Court in the case of ***Kanpur University, through Vice-Chancellor (Supra)*** wherein the Apex Court has held that in multiple choice objective type tests, questions having an ambiguous import should not be set in the papers. Under the premises aforesaid, counsel of the respondent has urged the Court for dismissing the appeal.

[12] We have perused the entire record and considered the submissions made by learned counsel representing the parties.

[13] In the case of ***Ran Vijay Singh & Ors. (Supra)*** some of the unsuccessful candidates in the recruitment test conducted by the U.P. Secondary

Education Services Selection Board for recruitment to the post of trained graduate teachers in social science challenged the recruitment by questioning the correctness of 7 (seven) questions/answers in the written examination which, according to the petitioners had incorrect answer key. In the judgment rendered in the case of **Ran Vijay Singh & Ors. (Supra)**, the Apex Court referred to and discussed a catena of previous judgments rendered on the issue and came to a few significant conclusions. One of those conclusions is that the Court should not at all re-evaluate the answer sheets of a candidate. It was further held by the Apex Court that the Court should presume the correctness of the answer key and proceed on that assumption. It was also viewed by the Hon'ble Apex Court that in the event of doubt, benefit should go to the examination authority rather than to the candidate. The Apex Court made the following observations:

**"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 rationalisation" 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."

[14] In the case of *Uttar Pradesh Public Service Commission, through its Chairman & Anr. (Supra)*, the Hon'ble Apex Court reiterated the law laid down in *Ran Vijay Singh & Ors. (Supra)* and held as under:

"14. In the present case, we find that all the three questions needed a long process of reasoning and the High Court itself has

noticed that the stand of the Commission is also supported by certain text books. When there are conflicting views, then the court must bow down to the opinion of the experts. Judges are not and cannot be experts in all fields and, therefore, they must exercise great restraint and should not overstep their jurisdiction to upset the opinion of the experts.”

[15] In the case of *Kanpur University, through Vice-Chancellor (Supra)* which has been relied on by the counsel of the respondent, the paper-setter committed wrong and the question which arose before the Hon’ble Apex court for consideration was as under:

“1.....If a paper-setter commits an error while indicating the correct answer to a question set by him, can the students who answer that question correctly be failed for the reason that though their answer is correct, it does not accord with the answer supplied by the paper-setter to the University as the correct answer? .....”

In the said case, the key answers furnished by the paper-setter for admission test to medical colleges in U.P. turned out to be wrong demonstrably. The High Court found fault with the key answers provided by the University. Case of the University was also demolished by its own expert. In this factual background, the High Court issued directions in favour of the examination authority which was confirmed by the Hon’ble Apex Court.

[16] In the present case, a Committee of experts was consulted by the TRBT for publishing the answer key and those key answers cannot be said to be demonstrably wrong. In paragraph 16 of the judgment in the case of *Kanpur University, through Vice-Chancellor (Supra)*, the Apex Court has held that for interference by the Court, the key answer must be clearly demonstrated to be wrong, i.e. to say it must be such as no reasonable body of men well-versed in the particular subject would regard it as correct. Observation of the Apex Court is as under:

**"16.....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."**

[17] In the instant case, the writ petitioner (respondent herein) could not establish that the key answers were demonstrably wrong. Therefore, the present respondent cannot derive any benefit from the judgment rendered by the Apex Court in the case of ***Kanpur University, through Vice-Chancellor (Supra)***.

[18] In the case of ***Naba Gopal Mandal (Supra)*** referred to by the counsel of the respondent, the expert report confirmed that the options given in the key answers were all wrong. The High Court, therefore, directed to award marks to the petitioners who attempted those wrong options and give them appointment if they were found eligible after awarding such marks.

[19] It is no case of the writ petitioner (respondent herein) that the paper-setter gave wrong options in the multiple choice question paper. Therefore, the present case is distinguishable.

[20] In the instant case, none of the options given in the multiple choice questions appear to be demonstrably wrong. Situated thus, the ratio decided by the Apex Court in ***Ran Vijay Singh & Ors. (Supra)*** must be followed by us where the Apex Court has held that Court should presume the correctness of the key answers and proceed on that assumption and in the event of doubt, the benefit should go to the examination authority rather than to the candidate. Therefore, in the given

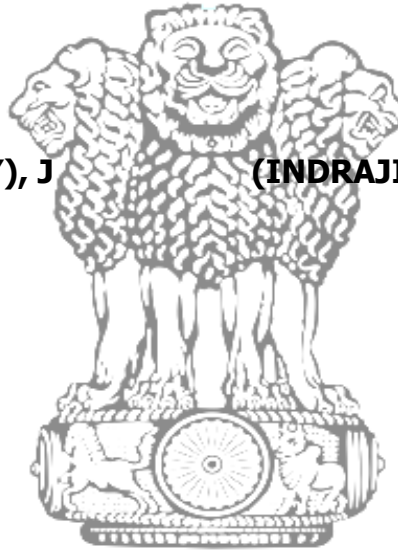
facts and circumstances of the case and the law laid down by the Apex Court in the judgments cited to supra, we are persuaded to interfere with the impugned judgment of the learned Single Judge. Resultantly, the judgment and order dated 22.01.2020 passed by the learned Single Judge in WP(C) No.1024 of 2019 is set aside and the appeal stands allowed.

**[21]** In terms of the above, the writ appeal stands disposed of. Pending application(s), if any, shall also stand disposed of.

Department's file is returned to learned GA.

**(S.G. CHATTOPADHYAY), J**

**(INDRAJIT MAHANTY), CJ**



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