

HON'BLE MR JUSTICE ARINDAM LODH

JUDGMENT & ORDER

The above batch of writ petitions since involve common issues, as such, with the consent of learned counsel appearing on behalf of the parties to the *lis*, the same are decided by this common judgment.

Furthermore, having taken into consideration of the facts agitated in these writ petitions, the averments as put forth in WP(C) No.27 of 2022 titled as *Tumpa Roy & 47 Ors. vs State of Tripura & 2 Ors.* which was taken as the lead case on consent of the learned counsel appearing for the parties are noted to decide the questions raised here and this Court deems it proper to quote the prayer made in the said writ petition, as follows:

“(i) Admit this petition of the petitioners and call for records relevant to the subject matter from the custody of the respondents.

(ii) As to why writ in the nature of mandamus directing the respondents to re-evaluate the questions in the Tripura Teacher's Eligibility Test-2 (T-TET) 2021 paper-II, Social Studies question booklet series-A, B & C along with final answer keys relating to Tripura Teacher's Eligibility Test-2 (T-TET) 2021 paper-II, Social Studies question booklet series-A, B & C.

(iii) As to why writ in the nature of mandamus to constitute expert committee to determine the correctness of the questions and answers of Tripura Teacher's Eligibility Test-2 (T-TET) 2021 which are challenged by the petitioners.

(iv) As to why writ in the nature of mandamus directing to respondents after re-evaluation correct the result sheets and publish the result afresh.

AND

(v) Pass such order or further order/orders and direction/directions as your Lordship deems fit and proper, having regard to the facts and circumstances of the case.”

2. Shorn of unnecessary details the relevant facts are stated here-in-below:

Teachers' Recruitment Board, Tripura, respondent no.2 issued notice dated 10.02.2021 for taking Teachers' Eligibility Test (T-TET), 2021 in two papers. Paper-I is for persons intending to be the teachers of Class I-V and Paper-II for persons intending to be the teachers of Class VI-VIII. The petitioners are the candidates intended to appear for Tripura Teachers' Eligibility Test (T-TET, for short) 2021, in Paper-II.

3. Respondent no.3 i.e. the Controller of Examinations notified a syllabus in their website for the candidates. The petitioners appeared in the examination held on 03.10.2021. At the time of examination, according to the petitioners, some questions were found contradictory and some questions were put, which were found to be out of syllabus.

On 04.10.2021, the petitioners requested the respondent no.3 to look into the matter when they were informed that it would be resolved after publication of tentative answer keys. On 09.10.2021, the respondent no.3 published the tentative key answers. After going through the tentative key answers, the petitioners found that some answers were contradictory/wrong,

which were challenged following the TRBT Rules by submitting Rs.500/- for each question.

4. Accordingly, the respondent no.3 rectified few of those questions as regards the questions the petitioners disputed. Thereafter, on 26.11.2021, the respondent no.3 published final answer keys. On 02.12.2021, the respondent no.3 issued corrigendum in respect of final answer keys. The respondent no.3 awarded one mark each with respect to nine questions in three series, but, according to the petitioners, some of the grievances regarding the answer keys remained unnoticed/unresolved.

5. The petitioners challenged some of the final key answers before the respondent no.3 including the questions which were challenged, but not addressed. A few examples are as under:

(A) Question no.21 in question booklet series-A, question no.30 in question booklet series-B and question no.10 in question booklet series-C are same. The said question is quoted *inter alia*:

*“Personalized System of Instruction (PSI) is also known as
(A) Keller Play
(B) Interplay
(C) Cross-sectional play.
(D) None of the above.”*

In the tentative key answers the correct answer was declared as option 'A'. But, at the time of publishing final key answers, the respondent no.3 declared option 'D' i.e. 'None of the above' as the correct answer.

The petitioners having taken note of a book, namely *Child Development and Pedagogy* written by *Dr. Debasish Paul* claimed option 'A' would be the correct answer, but, their claim was not considered.

(B) Question no.109 in question booklet series-A, question no.124 in question booklet series-B and question no.139 in question booklet series-C are same. The said question is quoted *inter alia*:

“Ashoka had established relations with which of the following distant lands?

(A)China

(B)Greece

(C)Rome

(D)None the above”

The respondent no.3 declared option 'D' as the correct answer in the tentative as well as final key answers, but, being taken reference to some books, according to the petitioners, the correct answer would be option 'B'. Similarly, the petitioners challenged the final answer keys at question no.99 in question booklet series-A, question no.114 in question booklet series-B and question no.129 in question booklet series-C, question no.100 in question booklet series-A, question no.72 in question booklet series-A, question no.15 in question booklet series-A, question no.24 in question booklet series-B and question no.4 in question booklet series-C, question

no.1 in question booklet series-A and same question in question booklet series-B and booklet series-C, etc.

6. Having found the grievances being not addressed, the petitioners submitted several prayers to respondent no.3 for reviewing the aforesaid questions along with the final key answers and also prayed to consider awarding of marks to the candidates who did not secure the cut-off marks due to incorrect questions or incorrect/contradictory answers.

7. It is pertinent to mention herein that the petitioners extracted the questions they had challenged in separate sheets (Annexure-43 to the writ petition).

8. The minimum qualifying marks for T-TET as mentioned in the prospectus (Annexure-44 to the writ petition) is that a candidate who secures 60% (90 out of 150) or more marks will be considered to have passed. Relaxation up to 5% has been given to ST/SC/PH candidates.

9. I have heard Mr. P. Roy Barman, learned senior counsel assisted by Mr. S. Bhattacharjee and Mr. K. Nath, learned counsel appearing for the petitioners in WP(C) No.105 of 2022, WP(C) No.107 of 2022, WP(C) No.151 of 2022 and WP(C) No.237 of 2022; Mr. B.N. Majumder, learned senior counsel assisted by Mr. D.J. Saha, learned counsel appearing for the petitioners in WP(C) No.104 of 2022; Mrs. S. Deb (Gupta), learned counsel

appearing for the petitioners in WP(C) No.27 of 2022, WP(C) No.88 of 2022 and WP(C) No.526 of 2022; and Mr. S. Banik, learned counsel and Mr. S. Saha, learned counsel appearing for the petitioner in WP(C) No.603 of 2022. Also heard Mr. D. Bhattacharya, learned GA assisted by Mr. P. Saha and Mr. S. Saha, learned counsel appearing for the respondents-State. During the course of hearing, this Court had an opportunity to have the assistance of Mr. S.S. Dey, learned Advocate General appearing on behalf of the respondents-State.

10. Learned counsel appearing on behalf of the petitioners persistently contended that all the petitioners were very close to secure the cut-off marks and they were unsuccessful in qualifying the T-TET Examination only because of the fault of the respondents. According to learned counsels for the petitioners, if the grievances of the petitioners would have addressed, then, the petitioners could easily secure the cut-off marks necessary to qualify the T-TET Examination, 2021.

11. Mr. Roy Barman, learned senior counsel urged this Court to pass a direction asking the respondents to accept the correct answers as relied upon by the petitioners on the basis of some books written by some renowned authors on those particular subjects.

12. On the other hand, Mr. D. Bhattacharya, learned GA submitted that the disputed questions raised by the petitioners were placed before the Expert Committee and they ultimately finalized the final key answers.

According to learned GA, it was not possible for Teachers' Recruitment Board, Tripura to travel beyond the opinion of the Expert Committee and to award marks as per the wishes of the candidates.

13. Learned GA further contended that the Teachers' Recruitment Board, Tripura (for short, TRBT) declared the terms and conditions in the Prospectus-Cum-Instructions where it was clarified that challenges on tentative answer keys would be settled after taking the view of the experts on the particular subject and TRBT had followed the declared terms and conditions.

14. Para 27 of counter affidavit filed by the respondents may be reproduced here-in-under, for convenience, in *extenso*:

"27. That, with regard to paragraphs-17 to 24 of the writ petition, I say that the mark obtained by the candidates is a matter of record. Teachers Recruitment Board, Tripura has followed the declared guidelines. All the challenges received by Teachers Recruitment Board, Tripura was placed before the subject expert. Based on the opinion of subject expert Teachers Recruitment Board, Tripura finalized the answer key. Result was prepared on the basis of final answer key. There is no iota of doubt that Teachers Recruitment Board, Tripura followed all the standard procedures. Thus, the claim by candidates is liable to be dismissed."

15. During the course of hearing, the respondents had filed the relevant documents on the basis of which the Expert Committee had finalized the final key answers in sealed covers. The petitioners also have placed extracts of reference books on the basis of which they relied upon their claims. With a view to brevity and clarity, it would be relevant to reproduce here-in-below some opinions of the subject experts to show as to how the TRBT had dealt with the challenges made by the petitioners/candidates to arrive at its conclusion as regards the tentative and final key answers:

T-TET Paper-II : 2021

Question No.	144 (Question Booklet Series: A)
Correct Option Finalised by Subject Expert	A
Source given by Subject Expert	সমাজবিজ্ঞান শিক্ষণ পদ্ধতির রূপরেখা লেখক: ড: চৈতন্য মণ্ডল পৃষ্ঠা-১৮০

144. 'Specific to general' is principle of _____ method.

- (A) inductive
- (B) deductive
- (C) heuristic
- (D) None of the above

144. 'বিশেষ থেকে সাধারণ' এই নীতিটি হল _____ পদ্ধতি।

- (A) আরোহন
- (B) অবরোহন
- (C) আবিষ্কারক
- (D) উপরের কোনটিই নয়

IEWS OF SUBJECT EXPERT ON TENTATIVE ANSWER KEY CHALLENGED
BY THE CANDIDATES
T-TET 2021: PAPER-II

SUBJECT: Pedagogical Issues in Social Studies (Social Studies)

Sl. No.	QUESTION NUMBER			TENTATIVE ANSWER BY TRBT	ANSWER SUGGESTED BY CANDIDATE	CORRECT OPTION FINALISED BY SUBJECT EXPERT	CORRECT ANSWER IN FULL	REMARKS/ REFERENCE(S)
	Booklet series A	Booklet Series B	Booklet Series C					
06	144	99	114	A	Out of syllabus B	A	Inductive (আরোহন)	It is connected with 'Trendo, Principles and Organisations' section of the syllabus Ref.- সমাজবিজ্ঞান শিক্ষণ পদ্ধতির রূপরেখা ডঃ চৈতন্য মণ্ডল (পৃষ্ঠা ১৮০)/www.wbnsou.ac.in/online/services/SIn/Bed/Part-III A4.Pdf(P.Tb, TT)

Full Signature of the Subject Expert with date:-Santanu Bhattacharya 18/11/2021

NAME OF SUBJECT EXPERT: Santanu Bhattacharya

Case: Tumpa Ray and others

SUBJECT EXPERTS VIEWS OF CHALLENGED TENTATIVE ANSWER T-TET 2021: PAPER-II SUBJECT: SOCIAL STUDIES

Question Nos. as per Booklet Series			Tentative Answer by TRBT	Answer Suggested by candidates	Final Answer as per view of the Subject Expert	Full Answer as printed in the respective Question Booklets	Subject Expert's Remarks/References
A	B	C					
01	10	20	A	D	D	None of the above	শিক্ষা মনোবিদ্যা : সুশীল রায় (Chapter-21)

							Upkar's Child Development and Pedagogy(P-5)
02	11	21	B	A/C/B/D	B	Schemas	Upkar's Child Development and Pedagogy(P-13)
15	24	04	B	D	D	None of the above	শিশু মনস্তত্ত্ব ও শিক্ষা বিজ্ঞান : ডঃ দেবাশিস পাল । রীতা পাবলিকেশন (P-269)
21	30	10	A	D/Keller Plan	D	None of the above	https://en.m.wikipedia.org
30	09	19	B	Out of syllabus	B	Carl Jung	Psychology: Text Book for Class XII NCERT (P-37)
55	52	53	A	Out of syllabus	A	/pleʒərəbl/	The candidates are not asked to do the transcription: rather the transcription is already done for them. The are only asked to identify the correct English vowels and consonants sounds.
72	73	68	A	A/B/C/D	A	মিত্রাক্ষর ছন্দে	“বাংলা সাহিত্যের সম্পূর্ণ ইতিবৃত্ত” অমিতকুমার বন্দ্যোপাধ্যায় (পৃঃ ৪৮৭)
86	74	78	C	A/C	C	জাত্যভিমান	স্বরসন্ধির নিয়মানুসারে জাতি+অভিমান=জাত্যভিমান পূর্বপদে ই/ঐ থাকলে পরপদে এই স্থলে “্য” (য ফলা) হয়। দ্রষ্টব্যঃ আকাদেমি বানান অভিধান/সংসদ বাঙ্গালা অভিধান।
99	114	129	B	A/B/C	B	Malwa Plateau	Badland Topography is predominant in Chambal valley, i.e. Malwa Plateau. In other places these are not prominent enough.
100	115	130	A	A/C	A	Pandemic	Here H1 N1 influenza of 2009 has been mentioned. As already “influenza” has been mentioned so flu is not the answer. Moreover 2009 H1 N1 has been declared as pandemic by WHO.

101	116	131	C	A/B/C	C	Chennai	Automobiles industries can be found in other city apart from Chennai. But Chennai has much more, that is why Chennai is Known as “Automobile City”.
109	124	139	D	A/B/C	D	None of the above	Early India: A Common History by D.N. Jha P:95
126	141	96	B	Out of syllabus	B	Opposition party	Not out of syllabus G.B. Adams: Constitutional History of England-P: 395
143	98	113	C	B/C/D, Out of syllabus	D	None of the above	It is connected with “Trends, Principles and Organisations” section of the syllabus.
144	99	114	A	B Out of syllabus	A	Inductive	It is connected with “Trends, Principles and Organisations” section of the syllabus. সমাজবিজ্ঞান শিক্ষণ পদ্ধতির রূপরেখা – ডঃ চৈতন্য মণ্ডল, পৃঃ ১৮০
145	100	115	C	A	A	The Constitution of India	

16. I have perused the references relied upon by the petitioners as well as by the TRBT based on the decision of the Expert Committee.

17. In reply to the arguments advanced by the learned GA, learned senior counsel appearing for the petitioners sought to dispute the expert opinion on those subjects and tried to persuade this Court that if two different books or references have led two different answers as correct answer, then, in such a situation, benefit should go in favour of the candidates.

18. This Court vide order 05.09.2022 directed the Secretary, Education Department, Govt. of Tripura to form a Two-member Expert Committee to deal with the grievances of the petitioners. Members of the Expert Committee namely, Santanu Bhattacharya, Associate Professor, I.A.S.E., Kunjaban, Agartala and Dr. Rama Chowdhury, Associate Professor, BBM College, Agartala submitted report on 26.09.2022. The entire report is reproduced hereunder, in *extenso*, for convenience:

“Final Report of Expert Committee

Subject: **Report of the Expert Committee regarding “Out of Syllabus Questions, T-TET Examination”, 2021.**

Ref: No.F.25 (159)-Dee/LA/2022/2554 dated: 22/09/2022

Report: After careful observations and verification of necessary and related documents and also making discussions with Subject Experts related to the respective field, the findings of the appointed Expert Committee are stated hereunder-

T-TET, 2021 / Paper-I

Area of Subject	Booklet Series	Question No.	Candidate's Opinion	Subject Expert's Opinion	View of Expert Committee
English Language (I)	A	38	Out of Syllabus	D(None of the Above)	Answer is D. Not out of Syllabus
	A	51	Out of Syllabus	B	Answer is B. Not out of Syllabus
	A	55	Out of Syllabus	D	Answer is D. Not out of Syllabus
Bengali Language (II)	A	63	Out of Syllabus	D	Answer is D. Not out of Syllabus
Mathematics	A	91	Out of Syllabus	C	Answer is C. Not out of Syllabus
	A	99	Out of Syllabus	A	Answer is A. Not out of Syllabus

	A	104	Out of Syllabus	D	Answer is D. Not out of Syllabus
Environmental Studies	A	135	Out of Syllabus	A	Answer is A. Not out of Syllabus
	A	141	Out of Syllabus	A	Answer is A. Not out of Syllabus

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26/09/22

Santanu Bhattacharya
26/09/2022

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T-TET, 2021 / Paper-II

Area of Subject	Booklet Series	Question No.	Candidate's Opinion	Subject Expert's Opinion	View of Expert Committee
Child Development and Pedagogy	A	8	Out of Syllabus	A	Answer is A. Not out of Syllabus
	A	22	Out of Syllabus	B	Answer is B. Not out of Syllabus
	A	30	Out of Syllabus	B	Answer is B. Not out of Syllabus
English Language (I)	A	35	Out of Syllabus	D	Answer is D. Not out of Syllabus
	A	46	Out of Syllabus	D	Answer is D. Not out of Syllabus
	A	52	Out of Syllabus	C	Answer is C. Not out of Syllabus
	A	53	Out of Syllabus	B	Answer is B. Not out of Syllabus
	A	55	Out of Syllabus	A	Answer is A. Not out of Syllabus
Environmental Studies	A	95	Out of Syllabus	B	Answer is B. Not out of Syllabus
	A	102	Out of Syllabus	B	Answer is B. Not out of Syllabus

	A	121	Out of Syllabus	A	Answer is A. Not out of Syllabus
	A	126	Out of Syllabus	B	Answer is B. Not out of Syllabus
	A	143	Out of Syllabus	D	Answer is D. Not out of Syllabus
	A	144	Out of Syllabus	A	Answer is A. Not out of Syllabus

All the above information is correct to the best of our knowledge and submitted accordingly.

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26/09/22
Dr.Rama Chowdhury
Associate Professor
BBM College, Agartala

Santanu Bhattacharya
26/09/2022
Dr. Santanu Bhattacharya
Associate Professor
I.A.S.E., Kunjaban, Agartala”

19. Now, having due regard to the arguments of learned counsel appearing on behalf of their respective parties and having perused the records, pleadings raised, and the reference books and the relevant materials placed before this Court, the questions that have come up for consideration are:

i) as to whether and to what extent the expert opinion can be questioned and be scrutinized in exercise of extraordinary jurisdiction of this Court under Article 226 of the Constitution; and

ii) to what extent this Court can address the grievance of the petitioners.

20. Insofar as the first question is concerned, the scope of interference by way of judicial review, has already been settled by the Apex Court in the case of *U.P. Public Service Commission through its Chairman and Anr vs. Rahul Singh and Anr., (2018) Vol 7 SCC 254*, where dealing with the similar and identical questions, the Apex Court in paras 9, 10, 11, 12 and 13 held that:

“9. In Kanpur University v. Samir Gupta [Kanpur University v. Samir Gupta, (1983) 4 SCC 309] , this Court was dealing with a case relating to the Combined Pre-Medical Test. Admittedly, the examination setter himself had provided the key answers and there were no committees to moderate or verify the correctness of the key answers provided by the examiner. This Court upheld the view of the Allahabad High Court that the students had proved that three of the key answers were wrong. The following observations of the Court are pertinent:

“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 Court gave further directions but we are concerned mainly with one that the State Government should devise a system for moderating the key answers furnished by the paper setters.

10. *In Ran Vijay Singh v. State of U.P. [Ran Vijay Singh v. State of U.P., (2018) 2 SCC 357 : (2018) 1 SCC (L&S) 297] , this Court after referring to a catena of judicial pronouncements summarised the legal position in the following terms: (SCC pp. 368-69, para 30)*

“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 scrutinise 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.”

II. We may also refer to the following observations in paras 31 and 32 which show why the constitutional courts must exercise restraint in such matters: (Ran Vijay Singh case [Ran Vijay Singh v. State of U.P., (2018) 2 SCC 357 : (2018) 1 SCC (L&S) 297] , SCC p. 369)

“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.”

12. The law is well settled that the onus is on the candidate to not only demonstrate that the key answer is incorrect but also that it is a glaring

mistake which is totally apparent and no inferential process or reasoning is required to show that the key answer is wrong. The constitutional courts must exercise great restraint in such matters and should be reluctant to entertain a plea challenging the correctness of the key answers. In Kanpur University case [Kanpur University v. Samir Gupta, (1983) 4 SCC 309], the Court recommended a system of:

(1) moderation;

(2) avoiding ambiguity in the questions;

(3) prompt decisions be taken to exclude suspected questions and no marks be assigned to such questions.

13. As far as the present case is concerned, even before publishing the first list of key answers the Commission had got the key answers moderated by two Expert Committees. Thereafter, objections were invited and a 26-member Committee was constituted to verify the objections and after this exercise the Committee recommended that 5 questions be deleted and in 2 questions, key answers be changed. It can be presumed that these Committees consisted of experts in various subjects for which the examinees were tested. Judges cannot take on the role of experts in academic matters. Unless, the candidate demonstrates that the key answers are patently wrong on the face of it, the courts cannot enter into the academic field, weigh the pros and cons of the arguments given by both sides and then come to the conclusion as to which of the answers is better or more correct.”

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

22. *It is clarified that a certain question or questions may carry an answer, which may on the face of which appears to be correct and may be in some of the text books or references that is indicated to be so, but, ultimately, it is the paper-setting Committee and the Expert Committee which have the advantage of having subject experts of various fields, if have arrived on a conclusion that particular answer is correct answer, this Court will refrain itself from holding it otherwise. For example, in the present cases, in question no.38 of question booklet series-A, the candidates i.e. the petitioners relying upon some of the text books have opined that said question no.38 is 'out of syllabus', but, subject experts opined that the correct answer is 'D' and it is 'not out of syllabus'.*

23. *Law also does not permit the Court to accept the contention of the learned counsels appearing for the parties that when there are disputes as regards the correct answers between the candidates and the subject expert, then, benefits should be given to the candidates.*

(emphasis supplied)

24. On perusal of the records produced by the respondents, it comes to fore that TRBT had obtained subject experts' opinion in regard to all the questions as questioned by the candidates, the petitioners herein in this batch of writ petitions before the finalization of the key answers.

25. *On consideration of the facts of the present cases, I find that the expert opinion was taken and the subject expert had relied upon and disclosed the source and materials on the basis of which TRBT formed its opinion as regards to determine the answer keys. In this situation, in the opinion of this Court, it would not be a sound and wise exercise of jurisdiction for the Court to invoke its discretionary and extraordinary powers under Article 226 of the Constitution of India to sit in appeal over such expert opinion to find out any better or more correct answers ignoring the views of the Expert Committee. The Court must not transgress an area in which it has no expertise and where it has to act and take a decision only with the aid of experts of the respective field/area, which this Court had exactly done by way of referring the objections/claims as suggested by learned counsels appearing for the petitioners directing the respondents to appoint a Two-member Expert Committee for verification and submission of reports before this Court.*

(emphasis supplied)

26. In this batch of writ petitions, the petitioners have also challenged the final key answers on the ground that the tentative/preliminary key answers, according to them, were correct answers, which had been changed in the final answer keys. Applying the law settled by Hon'ble Supreme Court in *Kanpur University (supra)* and *Ran Vijay Singh (supra)*, I may unhesitantly

make it clear that sympathy or compassion does not have any role and entire examination process does not deserve to be derailed because some candidates are disappointed or dissatisfied or perceived some injustice having been caused to them by an erroneous question or an erroneous answer.

27. Needless to say, to conduct a large scale examination is a very difficult task and may reveal certain lapses, which cannot on the face of it be termed as a deliberate one. In the present cases, subject experts had passed their opinion in sealed cover, where they also disclosed the sources and materials on the basis of which they came to the conclusion as regards the correct and final key answers to the subject questions.

28. For the foregoing analysis of legal position on the subject and the reasons thereof, this Court does not find any merit in these writ petitions and both the questions as formulated by this Court at para 19 of this judgment have been answered accordingly.

29. In sequel, these writ petitions are dismissed. However, there shall be no order as to costs.

Pending application(s), if any, also stands disposed.

JUDGE