

Mr. Keshav Bhati on behalf of  
Mr. Tanwar Singh.  
Mr. Vijay Jain.  
Mr. Ramdev Potalia.

For Respondent(s) : Mr. Akhilesh Rajpurohit &  
Mr. Dilip Choudhary.

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**HON'BLE MR. JUSTICE ARUN BHANSALI**

**Order**

**02/03/2022**

These writ petitions have been filed by the petitioners, who are candidates at Rajasthan Eligibility Examination for Teachers, 2021 Level-I ("REET-2021") seeking to question the validity of the final answer key published by the respondent- Board of Secondary Education, Rajasthan ("Board") and consequential determination of the marks awarded to them at the examination.

It is, *inter-alia*, indicated in the writ petitions that the process for REET-2021 was issued by issuance of Advertisement No.1/2021 by the respondent-Board. The written examination was held on 26.09.2021. The model answer key was published on 23.10.2021 alongwith a press-note inviting objections to the model answer key, to which, it is claimed that the petitioners responded by filing objections to several questions. The Board after considering the objections, issued final answer key on 02.11.2021. It is submitted that the answers to few questions are still erroneous and/or the options to the answers are not appropriate in the final answer key. Submissions have been made that as per the authentic material, the final answer key does not reflect the correct answer. The result of the REET-2021 was published on the same date alongwith final key i.e. on 02.11.2021.

In the present writ petitions, though the petitioners have questioned the validity of several questions. However, during the course of submissions, counsel for the petitioners have confined their submissions to five questions and one of the petitioners, in CWP No.1409/2022, has addressed submissions on a question pertaining to subject-Gujarati.

Learned counsel for the petitioners with reference to the material produced alongwith writ petitions made submissions that the answers to Questions No.27, 28 and 79, of Code 'J' series, are incorrect in the final answer key and that qua question No.135 of 'J' series, the correct option is rather missing; and therefore, the respondents be directed to modify the final answer key and consequential result of the petitioners. Qua CWP No.1409/2022, submissions were made that the answer in the final answer key is incorrect.

Reliance was placed on judgment in Dalip Kumar & Ors. vs. State of Rajasthan & Ors. : S.B. Civil Writ Petition No.13493/2020 decided on 20.12.2021.

Learned counsel for the respondent-Board made vehement submissions that the writ petitions filed by the petitioners seeking to question the validity of the final answer key has no substance and in fact the same are not maintainable. Submissions were made that after the objections were invited with the publication of the model answer key, all the objections on various questions were examined by an expert committee, which has dealt with all the objections and have given its opinion on various questions and insofar as the questions under challenge in the present writ petitions are concerned, the objections raised by the candidates

have been rejected and, therefore, the determination made by the experts does not call for any interference by this Court.

Reliance has been placed on *Vikesh Kumar Gupta & Anr. vs. State of Rajasthan & Ors.* : (2021) 2 SCC 309, *Ran Vijay Singh & Ors. vs. State of U.P. & Ors.* : (2018) 2 SCC 357, *RPSC vs. Pankaj Raj* : D.B.S.A.W. No.697/2019 decided on 29.05.2019 (at Jaipur Bench) and *Lalit Mohan Sharma & Ors. vs. RPSC & Ors.* : 2016 (3) RLW 2082 (Raj.).

Under the directions of the Court, learned counsel for the respondent-Board has produced for perusal of the Court the determination made by the expert committee alongwith supporting material.

I have considered the submissions made by the counsel for the parties and have examined the disputed questions, final answer key, the material produced by the petitioners and the opinion of the experts.

The principle laid down by the Hon'ble Supreme Court, the latest being in the case of *Vikesh Kumar Gupta (supra)* as followed by the Division Bench (Jaipur Bench) in *Rajkamal Basitha vs. Rajasthan High Court, Jodhpur & Ors.* : D.B.C.W.P. No.11347/2021 decided on 21.02.2022 is well settled. Division Bench in the case of *Rajkamal Basitha (supra)* observed as under:

"It is well settled through series of judgments of the Supreme Court that the judicial review of the decision of the examining body be it in the field of education or in the recruitment to the public employment, is extremely limited. Particularly when the examination is being conducted by an expert body and disputed questions are scanned by specially constituted expert committee, the Courts are extremely slow in interfering with the decisions of such bodies. Unless it is pointed out that there is a glaring error or an irrational decision has been rendered the Court in exercise of its writ jurisdiction under Articles 226 and 227 of the Constitution of India would not interfere."

This Court in Dalip Kumar (*supra*) also after referring to the decision of the Hon'ble Supreme Court in the case of Vikesh Kumar Gupta (*supra*) came to the following conclusion:

"From the above categoric determination made by Hon'ble the Supreme Court in the case of Vikesh Kumar Gupta (*supra*), as followed in the case of Tarsaim Kumar (*supra*) by the Division Bench of this Court, though it is true that earlier judgments laying down the parameters for interference by this Court, though have not been reversed, the same to a great extent, have been circumscribed"

Keeping in view the law laid down, the determination is as follows:

Question No.27 (Subject: Child Development and Pedagogy), which is under dispute, reads as under:

"27. According to RTE Act, 2009, the Pupil-Teacher ratio for primary schools should be

- |            |             |
|------------|-------------|
| (A) 25 : 1 | (B) 35 : 1  |
| (C) 40 : 1 | (D) 30 : 1" |

The final answer to the said question is "D".

It is submitted by the counsel for the petitioners with reference to the material produced alongwith their objections that the correct answer is "C" i.e. 40 : 1, and that the determination made by the Board and/or its expert committee is incorrect. The expert committee, with reference to the Schedule attached to RTE Act, a notification by the Press Information Bureau and a Book-"समकालीन भारत एवं शिक्षा" by Dr. Hansram Gurjar and others, came to following conclusion: -

"Regarding the teacher-pupil ratio in Primary Schools, As per RTE Act-2009 in 3 conditions it is suggested that pupil-teacher ratio will be 30 : 1. In one condition where number of students is more than 200 in school, the pupil-teacher ratio must not exceed 40 : 1 that means it is limit given by the act but generally the ratio should be 30 : 1. Although the question do not specify the condition then right answer will be 30 : 1."

The petitioners have referred to Schedule attached to RTE Act, Book "राजस्थान अध्ययन Part-4", by Dr. Durga Prasad Agarwal.

It would be appropriate to quote the Schedule attached to RTE Act, as the question relates to RTE Act, which reads as under:

**"THE SCHEDULE**  
(See Sections 19 and 25)  
**Norms and Standards for a School**

S. No.	Item	Norms and Standards	
1.	Number of teachers:		
	(a) For first class to fifth class	Admitted children Up to Sixty Between sixty-one to ninety Between Ninety-one to one hundred and twenty Between One hundred and twenty-one to two hundred.	Number of teachers Two Three Four Five
		Above One hundred and fifty children	Five plus one Head-teacher
		Above Two hundred children	Pupil-Teacher Ratio (excluding Head-teacher) shall not exceed forty.

A perusal of the above would reveal that the determination made by the expert committee is well reasoned and justified and the submission made to the contrary, has no substance.

Question No.28 (Subject: Child Development and Pedagogy), which is under dispute, reads as under:

"28. 'Midterm Exam' is an example of

- (A) Creative Assessment
- (B) Norm-referenced Assessment
- (C) Summative Assessment
- (D) Diagnostic Assessment"

The final answer to the said question is "C".

It is submitted by the counsel for the petitioners that the correct answer to the question would be "A" i.e. creative

assessment and the determination made by the respondents is not justified.

The expert committee, on the above aspect, came to the following conclusion:

“This question deal with form of assessment used by teacher in school. Generally we test student for assessing what they have learnt or we assess what they require to learn in a better manner. So, this is called “Assessment of learning” and “Assessment for learning”. The question emphasize Mid-term Examination and asked to choose option what type of assessment it is and in the option-summative assessment appeared as option-assessment of learning. Generally, we conduct Mid-term Exam after a gap of 6 months to test what students have learnt. Therefore, it is right answer given by board.”

The expert committee has supported its conclusion with the Book- Advanced Educational Technology by Dr. R.A. Sharma. Learned counsel for the petitioners have referred to publication: “उच्चतर शिक्षण संस्थाओं में मूल्यांकन सुधार” by University Grants Commission, wherein Mid-term written examination has been categorized as ‘creative assessment’. Another publication ‘Assessment for Learning’ by Utrakhand Open University, Haldwani has also indicated the Mid-term Exam as ‘creative assessment’.

The expert committee, has given its reasoning for coming to the conclusion that the final answer key did not call for any change. It would be seen that the experts, apparently after going through the material produced by the petitioners in support of their objections, have reached to a particular conclusion apparently based on the conflicting opinions of various authors.

Once the conclusion in this regard has been arrived at by the expert committee after considering the material placed before it, in view of judgment of the Hon’ble Supreme Court, even if this Court finds that the material produced by the petitioners is more convincing, no case for interference is made out, as in the case of

RPSC vs. Pankaj Raj (*supra*), the Division Bench while setting aside the judgment of the Single Bench, *inter-alia*, observed as under:

“The impugned judgment in this Court’s opinion is clearly erroneous inasmuch as the court has unwittingly donned the robe of the decision maker: to wit, that of an expert, in art, in concluding that one of the choices was defective (question No. 11) and that the RPSC’s explanation about a misprint was irrelevant, because the answer was wrongly given. These conclusions the court cannot arrive at, as they amount to primary decision making- a task which cannot be undertaken under Article 226. The impugned judgment also overlooked the salutary rule that in the event of doubt, “the benefit ought to go to the examination authority rather than to the candidate” (Ran Vijay, *supra*)”

Question No.79 (Subject: Hindi), which is under dispute, reads as under:

“79. भाषा शिक्षण विधियों में कौन-सी विधि प्राथमिक विद्यालय के बच्चों के लिए नितान्त व्यर्थ है?

- (A) डाल्टन प्रणाली (B) प्रोजेक्ट प्रणाली  
(C) माण्टेसरी पद्धति (D) किण्डरगार्टन पद्धति”

The final answer to the said question is “A”.

It is claimed by the counsel for the petitioners that the correct answer is “B”. The expert committee while referring to the material taken into consideration by it, came to the following conclusion:

“— आपत्ति निरस्त करने योग्य है।  
— प्रमाण — माध्यमिक विद्यालयों में हिन्दी शिक्षण, निरंजन कुमार सिंह, राजस्थान हिन्दी ग्रन्थ अकादमी, जयपुर पृ. 383, संस्करण—2019  
— हिन्दी शिक्षण, प्रो. बैजनाथ शर्मा, पृ. 166, साहित्य प्रकाशन आगरा, संस्करण— नवीन संस्करण  
बोर्ड द्वारा प्रदत्त उत्तर सही है।”

The petitioners have relied on Book “सामान्य शिक्षण—सिद्धान्त तथा विधियाँ” by Niranjana Kumar Singh.

A perusal of the material relied on by the experts would reveal that apparently the text of the material has been misconstrued by the Committee.

The first book relied on i.e. "माध्यमिक विद्यालयों में हिन्दी शिक्षण" by Niranjana Kumar Singh, inter alia, contains the following portion, which has been relied on by the counsel for the respondent Board:

"भाषा-शिक्षण और डाल्टन योजना

शिक्षा की आधुनिक मनोवैज्ञानिक विचारधाराओं के फलस्वरूप बालक को केन्द्र मानकर उसकी व्यक्तिगत शिक्षा पर बल देने के लिए जिन शिक्षण-प्रणालियों अथवा योजनाओं का सूत्रपात हुआ उनमें डाल्टन का महत्वपूर्ण स्थान है। इस योजना का प्रवर्तन सन् 1913 में मिस हेलेन पार्कहर्स्ट ने किया जिन्हें डॉ. मेरिया माण्टेसरी के साथ कार्य करने का भी अवसर मिला था। इस योजना का प्रथम प्रयोग अमेरिका के मेसाचुसेट्स प्रांत के डाल्टन नगर के हाईस्कूल में किया गया था, इस कारण इस योजना का नाम डाल्टन योजना पड़ा। किंडर गार्टन एवं माण्टेसरी प्रणालियाँ हैं पर डाल्टन योजना का प्रयोग 8 वर्ष से अधिक आयु वाले बालकों के लिए किया गया है।"

A perusal of the above would reveal that Dalton Scheme is used for students above the age of 8 years i.e. students of primary classes.

In another relied on Book, "हिन्दी शिक्षण" by Prof. Baijnath Sharma in relation to Project Method, it is *inter alia* indicated as under:

"हिन्दी शिक्षण की दृष्टि से यह पद्धति छोटी कक्षाओं के लिए इतनी अधिक उपयोगी नहीं हो सकती, जितनी बड़ी कक्षाओं के लिए, क्योंकि इस पद्धति की भी उस समय तक उपयोगिता नहीं जब तक बालकों में समझ उत्पन्न न हो जाय।"

A plain reading of the above would reveal that it is indicated that the project method is not so much useful for smaller classes. Therefore, apparently while one book indicates that Dalton Scheme is for students aged 8 years and above, another book indicates that Project Method is not good for smaller classes, however, the experts have apparently reached to a contrary conclusion.

In the book relied on by the petitioners, by the same author Niranjana Kumar Singh, it is clearly indicated as under:

"प्रोजेक्ट प्रणाली की एक विशेष कठिनाई यह भी है कि इसे माध्यमिक स्तर की शिक्षा के लिए ही अपनाया जा सकता है जब कि बालकों का कुछ बौद्धिक विकास हो चुका रहता है। प्रारम्भिक स्तर के लिए इसे प्रयोग में नहीं लाया जा सकता।"



As such, even going by the principles laid down in various judgments, the determination in the present case appears to be not justified and as such, the same calls for a re-determination on the part of the respondent Board.

Question No.135 (Subject: Environmental Studies), which is under dispute, reads as under:

“135. Who coined the term ‘biodiversity’?

- (A) A.G. Tansley (B) E. Haeckel  
(C) R.H. Whittaker (D) W.G. Rosen”

The final answer to the said question is “D”.

The petitioners have claimed that none of the answers are correct. It is submitted by the counsel for the petitioners that the answer “D” indicated by the respondents is factually incorrect, as from the various material placed on record, it is apparent that the word ‘Biodiversity’ was coined by E.O. Wilson and not by W.G. Rosen. Reliance has been placed on Geography book for Class 11<sup>th</sup> by the Board of Secondary Education, Biodiversity and Environmental Biotechnology by Padamnabh Diwedi and “पर्यावरण भूगोल” published by Vardhanman Open University, Kota.

The expert committee on the said question, has simply annexed book of Biology of Class 11<sup>th</sup> issued by the Board of Secondary Education, *inter alia*, indicating that Biodiversity word was used by W.G. Rosen in 1985.

Looking to the above aspect, wherein except for the material relied on by the expert committee, the books produced by the petitioners unanimously indicated that the word Biodiversity was coined by E.O. Wilson, this Court accessed the Book ‘Biodiversity’ written by E.O. Wilson, published by National Academies Press on

the website : Open Book, wherein the Editor E.O. Wilson, in his foreword has inter-alia indicated as under:

“The National Forum on BioDiversity and thence this volume were made possible by the cooperative efforts of many people. The forum was conceived by Walter G. Rosen, Senior Program officer in the Board on Basic Biology-a unit of the Commission on Life Sciences, National Research Council/National Academy of Sciences (NRC/NAS). Dr. Rosen represented the NRC/NAS throughout the planning stages of the project. Furthermore, he introduced the term *biodiversity*, which aptly represents, as well as any term can, the vast array of topics and perspectives covered during the Washington forum”

[emphasis applied]

From the above indication made by the author E.O. Wilson himself, it is apparent that the term Biodiversity was introduced by Dr. W. G. Rosen only and as such the determination made by the expert committee cannot be faulted.

Question No.63 (Subject: Gujarati), which is under dispute, reads as under (Scanned version):

63. કાવ્યમાં નીચેના માંથી કઈ બાબતને છોડવાની વાત કરી છે ?
- |                          |                        |
|--------------------------|------------------------|
| (A) સાકર-સેલડીના સ્વાદને | (B) ચાંદા-સૂરજના તેજને |
| (C) આગિયાના તેજને        | (D) હીરા માણેકને       |

The final answer to the said question is “C”.

It is claimed that the correct answer is ‘A’. The expert committee has come to the following conclusion:

“63. In poetry, the composer of poetry wants to say that, instead of what you have, you will not do this, you will not accept. Not accepting in this way means giving up. Answer ‘C’ is correct.”

The question was to be answered on plain reading of the poem based on which, the question has been asked and as apparently the expert committee has come to a particular conclusion, the petitioners having failed to produce any specific material to the contrary alongwith the petition and this Court is

unable to read the script and come to a conclusion on its own, has no option but to accept the determination made by the expert committee.

No other challenge has been pressed by the petitioners.

In view of above discussion while the determination made by the expert committee on Questions No.27 & 28 (Subject: Child Development and Pedagogy), 135 (Subject: Environmental Studies), and 63 (Subject: Gujarati) in 'J' series, do not call for any interference. Insofar as Question No.79 (Subject: Hindi) is concerned, the same in view of apparently incorrect reading of the material relied on, requires reconsideration by the expert committee and consequence has to be provided for the same.

Consequently, the petitions to the extent of petitioners, who have raised objection qua Question No.79 in subject Hindi of Series 'J', which is question No.84 in 'K' series, 73 in 'L' series, and 69 in 'M' series, are partly allowed. The respondent-Board is accordingly directed to get a fresh expert opinion by a different committee on the said question and give effect to the opinion of the expert committee qua the petitioners who have raised objections qua said question No.79 (Subject: Hindi) in 'J' series and qua the same question in other series as well.

Rest of the challenge laid by the petitioners and the petitions are rejected.

**(ARUN BHANSALI),J**

DJ/-