



2024/KER/32256

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

THURSDAY, THE 7TH DAY OF DECEMBER 2023 / 16TH AGRAHAYANA, 1945

WP(C) NO. 21640 OF 2023

PETITIONER:

SINDHU B.S.
AGED 52 YEARS, W/O. AJITHKUMAR K.S.,
R.K. BUNGLOW, THALIKUZHY P.O. VAMANAPURAM,
THIRUVANANTHAPURAM, PIN - 695612

BY ADVS.
R.SANJITH
C.S.SINDHU KRISHNAH
ALEX JOHN PULIMOOD

RESPONDENTS:

- 1 UNION OF INDIA
REPRESENTED BY THE SECRETARY,
MINISTRY OF EDUCATION, SHASTRI BHAWAN,
DR.RAJENDRA PRASAD ROAD,
NEW DELHI, PIN - 110001
- 2 UNIVERSITY GRANT COMMISSION (UGC)
BAHADUR SHAH ZAFAR MARG, NEW DELHI, PIN - 110002
REPRESENTED BY ITS CHAIRMAN
- 3 NATIONAL TESTING AGENCY
FIRST FLOOR, NSIC-MDBP BUILDING,
OKHLA INDUSTRIAL ESTATE, NEW DELHI,
DELHI, PIN - 110020
REPRESENTED BY ITS CHAIRPERSON

BY ADVS.
H.SUBHALEKSHMI
S. KRISHNAMOORTHY S
NIRMAL S
SRI TC KRISHNA, CGC

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07.12.2023, THE COURT ON 7.5.2024 DELIVERED THE FOLLOWING:



T.R. RAVI, J.

W.P.(C). No.21640 of 2023

Dated this the 7th day of May, 2024

JUDGMENT

The petitioner was a candidate who appeared in the UGC/NET during December 2020 & June 2021 cycles for the subject "Computer Science and Applications" conducted by the 2nd respondent. According to the petitioner, there were several anomalies in the questions and the answer key published. The petitioner along with two others had filed WP(C) No.9359/2022, which was disposed of by this Court directing the respondents to consider Ext.P17 representation submitted by the petitioners therein and advert to Exts.P3 to P14 produced in the said writ petition and decide after affording an opportunity of being heard to the petitioners. Ext.P4 is the judgment in WP(C) No.9359/2022. Pursuant to Ext.P4 judgment, the 3rd respondent formed a three-member committee which has submitted Ext.P1 report. Ext.P1 report would show that during verification of the provisional answer keys, the Subject Experts have opined to drop question ID 2366 and 2478, which were dropped. Regarding question ID 2439, the



petitioners' claim that there could be two answers for the same question, was rejected as erroneous. Regarding question ID 2365, it was noted that the challenge had been rejected by the Subject Experts, that no change was made in the answer key, that petitioners 1 and 2 in the earlier writ petition had answered the question correctly, and hence no such issue arose. Regarding question ID 2433, the Subject Experts had observed that there is a difference between the English and Hindi versions, and it would not affect the petitioner who had opted for English as the medium of answering the question. Concerning question ID Nos.2477, 2395, 2345 and 2470, the Committee noted that though no challenges had been received against the said questions, the Subject Experts had examined the same and found that the claim of the candidates against the final answer key is wrong, and the relief sought for by the petitioners in the earlier writ petition was liable to be rejected.

2. The petitioner has now challenged the findings in the report. One of the main contentions put forward is that with regard to question ID No.2439, regarding who developed the "Swayam platform", option ID 9754 which says MHRD and Microsoft, is correct, and not option ID 9753 which says MHRD and Google. The petitioner produced Ext.P11 to submit that "Swayam" was



indigenously developed by MHRD – AICTE with the help of Microsoft. The Subject Experts opined that as per the official website of “Swayam”, the current “Swayam” platform was developed by the Ministry of Education and NPTEL, IIT Madras with the help of Google and persistent system and that is why the option was changed from option ID 9754 to 9753. The respondents have produced the relevant page of the “Swayam” platform as Ext.R3(a). The respondents have also submitted that Ext.P11 was not placed before the Subject Experts and such materials cannot be relied on at this stage in the writ petition.

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 V. Mukesh Thakur and others (2010) 6**



SCC 759 and **Ram Vijay Singh and Others V. State of U.P and Others (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. v. Nagpur Metro Rail Corpn. Ltd. [(2016) 16 SCC 818]**, **Dwarkadas Marfatia and Sons v. Port of Bombay [(1989) 3 SCC 293]**, **Tata Cellular v. Union of India [(1994) 6 SCC 651]** and **Jagdish Mandal v. State of Orissa [(2007) 14 SCC 517]**.

4. In the absence of *mala fides* or an intention to favour someone, or arbitrariness, irrationality or perversity, there is no reason for the constitutional court to interfere with the decision-making process or the decision. The writ petition fails and is dismissed.

Sd/-

**T.R. RAVI
JUDGE**

APPENDIX OF WP(C) 21640/2023

PETITIONER'S EXHIBITS

- Exhibit P1 TRUE COPY OF REPORT DATED 10/05/2023 SUBMITTED BY THE THREE-MEMBER COMMITTEE CONSTITUTED BY THE 3RD RESPONDENT IN PURSUANCE OF JUDGEMENT DATED 23/11/2022 IN W.P. (C) 9359/2022
- Exhibit P2 TRUE COPY OF THE ADMIT CARD ISSUED TO THE PETITIONER
- Exhibit P3 TRUE COPY OF THE RELEVANT PAGES OF THE INFORMATION BULLETIN ISSUED BY THE 2ND AND 3RD RESPONDENTS
- Exhibit P4 TRUE COPY OF THE JUDGEMENT IN W.P. (C) 9359/2022 DATED 23.11.2022 PASSED BY THIS HONOURABLE COURT
- Exhibit P5 TRUE COPY OF THE RESPONSE SHEET PERTAINING TO QUESTION NO.2433 OF PETITIONERS 1
- Exhibit P6 TRUE COPY OF THE RESPONSE SHEET PERTAINING TO QUESTION NO.2439 OF THE 1ST PETITIONER
- Exhibit P7 TRUE COPY OF NEWS ARTICLE PUBLISHED IN TIMES OF INDIA DAILY DATED 17.06.2016 AS AVAILABLE AT [HTTPS://TIMESOFINDIA.INDIATIMES.COM/TECH-NEWS/MICROSOFT-TO-DESIGN-APP-FOR-GOVERNMENTS-OPEN-ONLINE-COURSES/ARTICLESHOW/52789906.CMS](https://timesofindia.indiatimes.com/tech-news/microsoft-to-design-app-for-governments-open-online-courses/articleshow/52789906.cms)
- Exhibit P8 TRUE COPY OF THE RESPONSE SHEET PERTAINING TO QUESTION NO.2477 OF THE 1ST PETITIONER
- Exhibit P9 TRUE COPY OF THE UGC-NET 2021 FINAL ANSWER KEY
- Exhibit P10 TRUE COPY OF THE RESULT OF THE PETITIONER
- Exhibit P11 TRUE COPY OF 1ST PAGE (COVER PAGE) AND PAGES OF CHAPTER 12 OF THE 2017-18 ANNUAL REPORT OF THE MINISTRY OF HUMAN RESOURCE DEVELOPMENT (MHRD)



RESPONDENTS' EXHIBITS

**Exhibit R3(a) TRUE COPY OF THE RELEVANT PAGE OF THE SWAYAM
PLATFORM**

**Exhibit R3 (b) TRUE COPY OF THE EXTRACT OF THE SUBJECT/
CATEGORY WISE CUT OFF UGC NET DECEMBER 2020-
JUNE 2021**