

\$~Suppl.-19

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P. (C) 2784/2021, CM APPL. 9290/2021

BEEM SINGH RAWATPetitioner

Through: Mr. Hari Haran, Advocate.

Versus

HON'BLE HIGH COURT OF DELHIRespondent

Through: Mr. Sanjay Ghose with Mr. Naman
Jain, Advocates.

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Date of Decision: 08th March, 2021

CORAM:

HON'BLE MR. JUSTICE MANMOHAN

HON'BLE MS. JUSTICE ASHA MENON

J U D G M E N T

MANMOHAN, J (Oral):

1. The petition has been heard by way of video conferencing.
2. Present writ petition has been filed for issuance of directions to the respondent to re-evaluate and re-check the answer sheet of the petitioner and to re-compute the eligibility/ merit list of the Junior Judicial Assistant/Restorer (Department) Examination, 2019. Petitioner also prays for an interim order to allow him to appear for the English typing test to be held on 14th March, 2021.
3. Learned counsel for the petitioner states that the petitioner was

recruited on the rolls of respondent establishment as process server and is presently posted with the Delhi High Court Establishment. He further states that the petitioner appeared for the Junior Judicial Assistant/Restorer (Department) Examination, 2019 and when he didn't qualify the same, he sought the answer sheet vide RTI application. He points out that the petitioner made a representation dated 1st February, 2021 citing five questions (being question nos. 3, 5, 9, 10 and 25) that had been erroneously marked wrong, but the same have been rejected vide memorandum dated 1st March, 2021.

4. It is an admitted position that the petitioner required minimum twenty marks in both Part A and Part B to qualify for English Typing Test. Petitioner has admittedly received sixteen out of fifty marks in Part A and thirty four out of fifty marks in Part B. Petitioner needs four more marks to qualify in Part A.

5. This Court has perused the chart showing the details of the questions in which revaluation has been sought.

6. In our view, the petitioner's answers to question nos. two, four and five are either incorrect or not the most appropriate. The relevant portion of the chart showing question nos. two, four and five as well as petitioner's answers are reproduced herein below:-

S. No.	Question No. and question	Answer claimed to be right by the applicant	Source of information
xxx	xxx	xxx	xxx
2.	Question No.5 i.e. (A) Neither (B) of them (C) are coming this evening (D) No error	'A' 'None' is also the right answer	Different websites namely (i) 'brainly.com' and (ii) Google search

			(homepage)
xxx	xxx	xxx	xxx
4.	Question No.10 i.e. The new incumbent to the job proved his _____ in his very first assignment.	‘compatibility’ which is also the right answer	Different websites namely online correction.com
5.	Question No.25 i.e. God is good_____me. (to/with/or/under/of)	‘with’ which is also the right answer	Different websites namely (1) brainly.com (2) online correction.com

7. In our view, the correct/most appropriate answers to question nos. two, four and five are- ‘No’, ‘Competence’ and ‘to’ respectively.

8. In view of the aforesaid, this Court is of the opinion that it would be futile to undertake a revaluation exercise.

9. In fact the Supreme Court in The Supreme Court in ***Ran Vijay Singh & Ors. vs. State of Uttar Pradesh & Ors., (2018) 2 SCC 357***, while discussing the law regarding judicial interference with the results of an examination has held as under:-

“18. A complete hands-off or no-interference approach was neither suggested in Mukesh Thakur [H.P. Public Service Commission v. Mukesh Thakur, (2010) 6 SCC 759 : (2010) 2 SCC (L&S) 286 : 3 SCEC 713] nor has it been suggested in any other decision of this Court—the case law developed over the years admits of interference in the results of an examination but in rare and exceptional situations and to a very limited extent.

xxx

xxx

xxx

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.*

(emphasis supplied)

10. In another case being *High Court of Tripura vs. Tirtha Sarathi Mukherjee, (2019) 16 SCC 663* the Supreme Court has held as under:-

“23. Even in the judgment of this Court in *Ran Vijay Singh v. Rahul Singh (2018) 2 SCC 357* which according to the first respondent forms the basis of the High Court's interference though does not expressly stated so, what the Court has laid down is that the Court may permit re-valuation inter alia 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 on the commission of material error.”

(emphasis supplied)

11. Keeping in view of the aforesaid factual and legal scenario, this Court finds no ground to interfere.

12. Consequently, the present writ petition being bereft of merit is dismissed.

13. The order be uploaded on the website forthwith. Copy of the order be also forwarded to the learned counsel through e-mail.

MANMOHAN, J

ASHA MENON, J

MARCH 08, 2021
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