

* IN THE HIGH COURT OF DELHI AT NEW DELHI
+ W.P. (C) 6801/2019

Judgment reserved on: 04.07.2019

Date of decision : 09.07.2019

PURBASHA DAS & ORS Petitioners
Through Mr. Arvind Nayar, Sr.
Advocate with Mr. Vikas
Kumar, Mr. Manish Paliwal,
Ms. Malika, Mr. Ashutosh,
Advocates.

versus

NATIONAL TESTING AGENCY & ORS Respondents
Through Mr. Amit Bansal and Ms.
Seema Dolo, Advocates.
Mr. T. Singhadev, Ms.
Amandeep Kaur, Ms. Baikthan
Sangi Das, Ms. Puja Sarkar,
Ms. Arunima Pal, Advocates.
Mr. Rahella Khan with Jatin,
Advocates.

+ W.P.(C) 6811/2019 & CM APPL. 28485/2019

RAM SINGH & ORS Petitioners

Through Mr. Shaurya Sahay and Mr.
Avijit Mani Tripathi,
Advocates.

versus

NATIONAL TESTING AGENCY & ORS Respondents

Through Mr. Amit Bansal and Ms. Seema Dolo, Advocates.
Mr. Bhagwan Swaroop Shukla
with Mr. Sarvan Kumar Shukla,
Advocates.

+ W.P.(C) 6829/2019

ANUSYA MOTSARA Petitioner

Through None for petitioner.

versus

UNION OF INDIA & ORS Respondents

Through Mr. Amit Bansal and Ms. Seema Dolo, Advocates.
Mr. Bhagwan Swaroop Shukla
with Mr. Sarvan Kumar Shukla,
Advocates

+ W.P.(C) 6877/2019 & CM APPL. 28627/2019

MEENAKSHI SRIVASTAVA Petitioner

Through Mr. Mananjay Mishra with Mr. Sidharth Jha and Mr. Prabhakar Thakur, Advocates.

versus

NATIONAL TESTING AGENCY & ORS. Respondents

Through Mr. Amit Bansal and Ms. Seema Dolo, Advocates.
Mr. Bhagwan Swaroop Shukla
with Mr. Sarvan Kumar Shukla,
Advocates.

CORAM:
HON'BLE MS. JUSTICE ANU MALHOTRA

JUDGMENT**ANU MALHOTRA, J.**

1. The petitioners of all the aforesaid petitions seek the quashing of the National Eligibility cum Entrance Test (NEET) UG, 2019 result declared on 05.06.2019 by the National Testing Agency (NTA) and seek that the respondent no.1 be directed to declare the revised and corrected list of the petitioners and give them full marks in relation to the questions nos.1, 13, 68 & 1555 of their NEET UG 2019 Examination.

2. **The grievance of the petitioners of all the petitions is identical and thus the petitions have been taken up for adjudication vide this common judgment.**

3. The petitioners contend that the said entrance test comprised of 180 objective type questions from Physics, Chemistry and biology (Botany and Zoology) to be answered on the specially designed machine-gradable sheet. It is the avowed contention of the petitioners that as per the information bulletin issued by the NTA for admission to the MBBS BDS course Session 2019-20 for the NEET UG, 2019, the pattern of scoring and marking was published as follows:

*“a) Each question carries 4 marks. For each correct response the candidate will get 4 marks. For each incorrect response one mark will be deducted from the total score. No deduction from the total score will, however, be made if no response is indicated for a question in the answer sheet. The candidates are advised not to attempt such question in answer sheet, if they are not sure of the correct response. **More than one answer***

indicated in a question will be deemed as an incorrect response and will be negatively marked.

b) For the purpose of evaluation, the Test Booklet Code printed in the Answer Sheet on Side-2 will be accepted as final.”

4. The petitioners submit that during the course of examination, they realized that there are multiple choice questions which have more than one correct answers and that even after the answer key was put up by the respondent no.1 it was indicated that question nos. 13 & 68 had two correct options in as much as the revised answer key uploaded by the respondent no.1 on 05.06.2019 (the first answer key having been uploaded on 29.05.2019) indicated that for question no.13 both the response nos.1 & 2 in the multiple choice answers and question no.68, the multiple choice answers no.3 & 4 were the correct answers.

5. The petitioners submit that in view of the scoring and marking pattern published by the NTA which stated that more than one answer indicated in a question will be deemed as an incorrect response and will be negatively marked and as a consequence thereof in as much as the petitioners were aware that there were two correct answers available for question nos.13 & 68, they did not respond to the said questions and thus had suffered by not attempting the questions in as much as if they had attempted the question nos.13 & 68 and on their giving the correct answers, the answers to each of them, of which answers they were aware, they could have been marked differently and would, as a consequence, fall within the ambit of re-valuation.

6. The further contention raised by the petitioners was to the effect that question no.1 & 155 which read to the effect:

*“1. Under isothermal condition, a gas at 300 K expands from 0.1 L to 0.25 L against a constant external pressure of 2 bar. The work done by the gas is:
[Given that 1 L bar = 100J]*

- (1)– 30 J
- (2)5 kJ
- (3)25 J
- (4) 30 J

155. Which of the following statements is correct?

- (1) Cornea is an external, transparent and protective proteinaceous covering of the eye-ball.
- (2) Cornea consists of dense connective tissue of elastin and can repair itself.
- (3) Cornea is convex, transparent layer which is highly vascularized.
- (4) Cornea consists of dense matrix of collagen and is the most sensitive portion of the eye.”

have been put up with wrong answer keys of answer no.4 for question no.1 and answer no.4 for question no.155 whereas according to the petitioners question no.1 had the correct answer as multiple choice answer no.1 in the final answer key uploaded by the NTA but the answer key published on 05.06.2019 reflected the answer as option no.4 which was a wrong answer.

7. The petitioners also submit that as regards the question no.155, the NTA gave the answer as option no.4 whereas question no.155 also had multiple correct answers and the same was not rectified by the

NTA. The petitioners thus submit that they have thus suffered grossly through the erroneous marking mechanism of the NTA and also because the NTA has itself not followed its own pattern of scoring and marking as put forth in the information bulletin. The petitioners submit that because of the erroneous scoring and marking pattern followed by the NTA and because they apprehended that if they would give more than one response to a question, it would be negatively marked.

8. The petitioners thus scored lesser marks and for the present examination even one mark makes a big difference in the merit list in as much as the candidates can jump a large number of positions by increased or decreased of one mark.

9. Vide order dated 17.06.2019 qua CM No.28457/2019 in WP (C) 6801/2019, qua the interim prayer made seeking a direction for the quashing of the NEET result vide paras 8, 9, 10 & 11 thereof, it was observed to the effect:

“8. A perusal of the Information Bulletin issued by respondent No.1 shows that Chapter 7 provides that respondent No.1 will display the Answer Key of the questions giving an opportunity the candidates to challenge the same. The candidates will be given an opportunity to make an online challenge against the Answer Key on payment of non-refundable processing fee. The Experts would verify the challenges and, if found correct, the Answer Key would be revised accordingly and results would be prepared based on the revised Answer Key.

9. In the present case the Answer Key was displayed on 29.5.2019. Pursuant to receipt of objections the revised

Answer Keys taking into account the objections was displayed on 5.6.2019. As is apparent from the final answer keys displayed on 5.6.2019 it was accepted that question No.13 and 68 had two possible answers. The answer to question No.1 had been changed from what was stated in the first Answer Key that was uploaded on 29.5.2019.

10. The Supreme Court in the case of U.P.S.C. vs. Rahul Singh & Anr. (supra) was dealing with an examination conducted by U.P. Public Service Commission where the concerned paper had Objective type question with a multiple choice type answers. Key Answers were published by the Commission. Objections to the key answers were submitted. The Expert Committee considered the objections raised by the candidates and changes were made in the key answers. Based on that their result was declared. In those facts the Supreme Court held as follows:-

“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 through Vice chancellor and Others vs. Samit Gupta and Others, (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.”

11. Keeping in view the facts in the present case it is clear that the respondent No.1 has followed an elaborate procedure by taking into account the objections to the

Answer Key uploaded on 29.5.2019. After appropriate objections had been considered appropriate changes have been made in the Answer Key which were uploaded on 5.6.2019. It has not been pleaded that any of the Key Answers displayed are incorrect. What is pleaded is that the Key Answers give two answers for two of the questions which may have created confusion for a candidate. The plea about confusion being caused as alleged prima facie is not convincing. Further, at this stage, prima facie, petitioners have failed to show a glaring mistake which would compel this court to pass interim orders as has been sought. Prima facie the procedure followed by the respondents cannot be termed to be arbitrary or unfair. In my opinion, no interim orders can be passed, at this stage.”

with the said interim prayer having been dismissed on 17.06.2019.

10. The petitioners of the said petition WP (C) 6801/2019 assailed the said order dated 17.06.2019 vide petition for Special Leave to Appeal (C) No.14025/2019 whereby the Hon’ble Supreme Court called upon this Court to conclude the matter since counselling had begun on 03.07.2019. It was ordered by the Hon’ble Supreme Court thereby to the effect:

“We are informed that the matter is listed for hearing before the High Court on 04.07.2019. We request the High Court to peremptorily conclude the matter since counselling has begun today.”

11. The NTA in the affidavit of Dr. Vikas Gupta, Senior Director (Admin) of the NTA submitted in WP (C) 6801/2019 submitted that the said petition which is the same argument in each of the petitions on behalf of the NTA that their petitions were wholly misconceived as no fundamental or legal rights of the petitioners have been violated by

the NTA and as per the scheme of NEET UG, 2019 Examination, the special experts appointed by the NTA had duly considered the objection to the answer key issued for the said exam referred by the petitioners, on finding no merits in it, had rejected the same.

12. Furthermore, the NTA submits that the petitioners have no vested right to review/ challenge the decision of the subject experts of the NTA in as much as Para 2(e) of Chapter-7 of the Information Bulletin issued for the said examination categorically states that the key finalized after the challenge will be final. Further, the NTA submits that in terms of the verdict of the Hon'ble Supreme Court in ***Maharashtra State Board of Secondary and Higher Secondary Education & Anr. Vs. Paritosh Bhupesh Kurmarsheth AIR 1984 SC 1542*** and in ***CBSE Vs. Aditya Bandopadhyay 2011 (8) SCC 497*** as laid down thereby that in the absence of a provision for re-evaluation, such a direction ought not to be issued by the Court and it has further been submitted by the NTA that the expert/academic bodies are the best judge of the subject/ academic issues and that these matters should be left to the wisdom of academic bodies and the Courts should not ordinarily interfere with them. The NTA has further placed reliance on the verdict of the Hon'ble Supreme Court in ***U.P.P.S.C. through its Chairman & Anr. Vs. Rahul Singh & Anr.*** in SLP No.12472/2018 to contend that the onus is on the candidate to not only demonstrate that the key answer is incorrect but also that it is the glaring mistake which is totally apparent and no inferential process or reasoning is required to show that the key answer is wrong.

13. The NTA has further submitted that when there are conflicting views then the Court ought to bow down to the opinion of the experts and Courts cannot take on the role of experts in academic matters and must exercise great restraint and should be reluctant to entertain/challenge the correctness of the key answers. *Inter alia* the NTA has submitted that the Ministry of Health and Family Welfare has entrusted the NTA to conduct the NEET(UG) 2019 to NTA throughout the country, which was thus so conducted by the NTA on 05th May, 2019 and 20th May, 2019.

14. It is further submitted by the NTA that the questions for the said exam are framed by the concerned Subject Experts and that they are then finalized by the Paper setters/Experts and Answer Keys are developed and that after the conduct of the Examination and before application of the Keys, the Keys are once again verified by the subject experts and that thereafter, the questions along with the respective answer keys and the answer sheets/ OMR Sheets of the candidates are uploaded/displayed on the Website of NEET (UG)(www.ntaneet.nic.in)

15. *Inter alia* the NTA has further submitted that in order to ensure complete transparency, the NTA has evolved a scheme of inviting objections to the answer Key and that on display of the answer keys (draft) and Answer/OMR Sheets of the candidates, an opportunity is granted to the candidates to challenge the said answer keys. The NTA has further submitted that the challenges/objections received are then again placed before the respective Subject Experts and that the objections are examined exhaustively by the subject experts of NTA

and that if the subject experts on examining the objections find that any answer contained therein was not the correct answer, then on the advice of the subject experts, the NTA modifies its answer key accordingly and the key thus finalized is applied to all the responses of all the candidates and that if the subject experts are of the view that the answer contained in the answer key is a correct answer, no modification in the answer key is made.

16. The NTA has further submitted that the final answer keys are decided by the experts after due consideration of the challenges by the respective Subject Experts and that the result is declared on the basis of the said final answer key recommended by the respective Subject Experts only and it is further submitted by the NTA that the NTA relies on the decision of the Subject Expert, based on which the Final Result is declared.

17. It is further submitted by the NTA that after the NEET (UG) 2019 examination held in the month of May, the answer keys were first verified by the subject experts, thereafter, the same were uploaded on website www.ntaneet.nic.in from 29.05.2019 to 01.06.2019 (up to 5 PM) and that the candidates were informed through a Public Notice dated 29.05.2019 issued in the examination portal, to challenge any answer key of any question within the said period and that in response to the same, 40,510 challenges were received from the candidates. It is further submitted by the NTA that the said challenges were placed before respective subject experts who are professors from IITs and reputed Universities, for verification and that the subject experts concerned went through the challenges/objections and considered each

and every aspect of the challenges and that upon carefully examining all challenges and provided evidence/supporting literature, expert panel decided to change the answer key pertaining to Q. No.13 of Chemistry & Q. No.68 of Physics by adding one more option each as the correct answers to the said questions in the answer key already published on 29.05.2019. It is *inter alia* submitted by the NTA that however, Biology Experts adhered to the published answer keys uploaded on 29-05-2019 and there was no change made in it.

18. It is further submitted by the NTA that the revised answer keys, which were finalized by the subject experts, were placed before the Result Committee of NTA comprising of Representatives of Ministry of Health & Family Welfare, Director General of Health Services, Medical Council of India, etc. in its meeting held on 03.06.2019 and that thereafter, the answer keys were treated as final and uploaded on the website on 05-06-2019, and thereupon, the result of the said exam was also declared on the same date and the NTA has further submitted that the answer key to the questions challenged by the petitioners i.e. Q. No.1 of Physics and 155 of Biology were placed before the subject experts, before the answer keys were revised/finalized by the Experts and that upon examining the said objections preferred by the petitioners, the subject experts of the NTA did not find any merit in the objections or any discrepancy in the answer key to the said questions and that accordingly, the subject experts of the NTA rejected the challenge to the said questions.

19. The respondent further submitted that as regards the contention of the petitioners with reference to question nos. 13 & 68, it is

submitted that on inviting objections to the answer key published on 29-05-2019, the subjects experts were of the opinion that the question nos.13 & 68 had two correct options and marks should be granted to students who had opted for either of the two correct options and that accordingly, on the basis of the report of the subject experts, marks have been granted to the candidates who had opted for either of the correct answers mentioned in the final revised answer key.

20. The NTA has further submitted that the petitioners should have attempted whichever answer they thought to be the most appropriate in relation to the question nos.13 & 68 which provided for more than one correct answer and that the petitioners could have filed objection and challenge to the answer key if the NTA had come out with the wrong answer key and that petitioners had the remedy to file objections and challenge the answer key and hence, it could not be contended by the petitioners that they should be given marks even if they had not attempted the said questions.

21. *Inter alia* reliance was placed on behalf of the NTA on the verdict of the Hon'ble Supreme Court in **H.P. Public Service Commission Mukesh Thakur (2010) 6 SCC 759** and on the verdict of this Court in **Atul Kumar Verma vs UOI & Ors. in WP (C) 5719/2015** to contend that while dealing with the issue of challenging the answer key on the basis of evaluation published by coaching centres and subject experts other than the CBSE experts, has held that unless the Courts, though accustomed to resolve/adjudicate on disputes, curb their temptation to interfere with the question paper and answer key inspite of counter view, of other subject experts, being brought before

them and there being thus a dispute as to which view is correct, the Universities and the examining bodies on whom the said function has been entrusted, would lose their sheen and the respect in which they are held. The Court further held that once the examining bodies have followed the procedure of inviting objections to the answer key and if satisfied therewith, corrected the answer key and thereafter declared the result, then there can be no scope for judicial review of the said answer key unless allegations of bias, malafide, non-consideration of relevant factors etc; are made out for invoking the power under the Judicial review.

22. On behalf of the petitioner reliance was placed on the verdict of the Hon'ble Supreme Court in ***Richal and Ors. Vs. Rajasthan Public Service Commission and Ors. (2018) 8 SCC 81***, ***Asha Vs. Pt. BD Sharma University of Health Science and Ors. (2012) 7 SCC 389***, ***Manish Ujwal and Ors. Vs. Maharishi Dayanand Saraswati University and Ors. (2005) 13 SCC 744*** to contend that the said two question nos.13 & 68 ought to be deleted with the benefit of re-distribution of marks being given to all candidates. The petitioners also contend that the entrance examination for the MBBS BDS course relates to a professional course and the entire life of a student depends upon his admission to a particular course and that higher the competition, greater is the duty on the part of the authority concerned to act with utmost caution to ensure transparency and fairness and it is one of their primary obligations to see that a candidate of higher merit is not denied a seat to the appropriate course and college, as per his preference and that the concerned authorities are expected to perform

certain functions, which must be performed in a fair and proper manner i.e. strictly in consonance with the relevant rules and regulations.

23. The petitioners in WP (C) 6811/2019 apart from challenging the NTA's response to question nos.13 & 68 by uploading two correct answers in the answer key finally uploaded, also seek to contend that question no.59 which reads to the effect:\

“Q.59 Biology

Cells in G₀ phase:

- 1) Exit the cell cycle*
- 2) Enter the cell cycle*
- 3) Suspend the cell cycle*
- 4) Terminate the cell cycle”*

has been erroneously given an answer of option 3 in the answer key whereas the correction option as borne out from the NCERT text is option 1. *Inter alia* the said petitioners also contend that the question no.77 has an erroneous answer in the answer key uploaded on 05.06.2019 with giving option 2 but that the correct option as borne out from the NCERT text is option 3. The said question and answer read to the effect:

“Consider the following statements

(A) Coenzyme or metal ion that is tightly bound to enzyme protein is called prosthetic group

(B) A complete catalytic enzyme with its bound prosthetic group is called apoenzyme

Select the correct option

- (1) Both (A) and (B) are true*

(2) (A) is true but (B) is false option

(3) Both (A) and (B) are false

(4) (A) is false but (B) is true”

24. The petitioner of WP (C) 6829/2019 chose not to put in appearance. The contentions raised by her relate to the answer in relation to question no.108

“Q. No. 108, S-3 Booklet NEET2019

(Chemistry)

Which mixture of the solutions will lead to the formation of negatively charged colloidal solution?

(1) 50 ml of 2 M AgNO₃ + 50 ml of 1.5 M KI

(2) 50 ml of 0.1 M AgNO₃ + 50 mL of 0.1 M KI

(3) 50 ml of 1 M AgNO₃ + 50 ml of 1.5M KI

(4) 50 ml of 1 M AgNO₃ + 50 mL of 2M KI”

submitting to the effect that the NTA provided for two correct answers i.e. option nos.3 & 4 as per the answer key but due to the confusion created by the question and multiple option, petitioner opted for option no.1. Apart from other submissions made in the said petition being similar to the contentions raised in the other two petitions i.e. WP (C) 6801/2019 and WP (C) 6811/2019, the petitioner herein has challenged the answer key in relation to question no.162 which reads to the effect:

“Q. No. 162, S-3 Booklet NEET 2019

(Physics)

At a point A on earth's surface the angle of dip = + 25°. At a point B on earth's surface the angle of dip = - 25°. We can interpret that:

(1) A is located in the Northern Hemisphere and B is located in the Southern Hemisphere.

(2) A and B are both located in the Southern Hemisphere.

(3) A and B are both located in the Northern Hemisphere.

(4) A is located in the Southern Hemisphere and B is located in the Northern Hemisphere.”

submitting to the effect that the petitioner had opted for option no.4 in her mark sheet and as per the answer key issued by the NTA on 29.05.2019, the correct answer was also given as option no.4 but in the revised answer key issued by the NTA on 05.06.2019, answer for the question no.162 was changed to option no.1, which is a wrong answer as submitted by the said petitioner.

25. The petitioner of WP (C) 6877/2019 has raised similar contentions in relation to the questions in the examination and answer key as were raised by the petitioners in WP (C) 6801/2019 and WP (C) 6811/2019 & WP (C) 6829/2019.

26. The verified expert opinion submitted by the NTA in relation to the questions which have been challenged by the petitioners has been taken on record.

27. It is a settled law as laid down by the Hon'ble Supreme Court in ***Uttar Pradesh Public Service Commission Vs. Rahul Singh and Anr. (2018) 7 SCC 254*** that where in the instant case, the initial answer key was modified on the receipt of objections from candidates on

consultation with experts and thus it can be presumed that the experts of the various subjects had taken into account all aspects which needed to be considered for arriving at the correct answer and that judges cannot take the role of experts in academic matters unless the candidates demonstrates that the key answers are patently wrong on the face of it, the Courts cannot enter into the academic field nor weigh the pros and cons of the arguments given by both sides and then come to the conclusion as to which of the answer key is correct.

28. As laid down by the Hon'ble Supreme Court in ***Ran Vijay Singh and Ors. Vs. State of Uttar Pradesh and Ors. (2018) 2 SCC 357*** that the Court should presume the correctness of the answer keys and proceed on that presumption and in the event of a doubt, the benefit should go to the examination authority rather than candidate. The observations in paras 30, 31, 32 & 33 of the said verdict read to the effect:

“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.

33. The facts of the case before us indicate that in the first instance the learned Single Judge took it upon himself to actually ascertain the correctness of the key answers to seven questions. This was completely beyond his jurisdiction and as decided by this Court on several occasions, the exercise carried out was impermissible. Fortunately, the Division Bench did not repeat the error but in a sense, endorsed the view of the learned Single Judge, by not considering the decisions of this Court but sending four key answers for consideration by a one-man Expert Committee.”

are categorical and thus it is apparent that it is not open to this Court to take upon itself to ascertain the correctness of the answer key nor the answers sought to be put forth by the petitioners in relation to the questions which they submitted have been put forth with wrong answer keys by the NTA in view of the factum that there has been an expert evaluation of the answers and the answer key that has been put forth on 05.06.2019 after revision of the original answer key that was

uploaded on 29.05.2019 after taking into account the challenges to the said answer key.

29. The other contention raised by the petitioners was to the effect that '*the rules of the game*' have been changed by the NTA in as much as the scoring and marking pattern has not been adhered to and more than one answer has been given as a correct answer for some of the question in the answer key uploaded on 29.05.2019 and that because of the scoring and marking pattern that had been published by the NTA in the information bulletin that giving of two answers would result into negative marking, the petitioners chose not to give any option in as much as giving of an incorrect option would also result into a negative marking and thus confusion was created in their minds resulting into the petitioners not getting the scores for the said questions which had two correct answers qua which it has to be observed as rightly contended on behalf of the NTA that if the petitioners were sure of correctness of their answers, there was nothing that prevented them from giving any of the two correct answers as being the answer to the question. Furthermore, the NTA though its counter affidavit has also submitted vide para 10 that on the basis of the report of the subject experts, that marks have been granted to the candidates who had opted of either of the correct answers mentioned in the final revised answer key. It is apparent thus that the petitioners have not in any manner suffered by two answers having been put forth by the NTA as being the correct answers to the

questions that have been uploaded and the petitioners could have opted for any one of those two correct answers.

30. Reliance that has been placed on behalf of the petitioner on the verdict of the Hon'ble Division Bench of this Court in ***Charanpal Singh Bagri Vs. University of Delhi & Ors.*** in WP (C) 6751/2019, a verdict dated 14.06.2019 is wholly inapplicable in the facts and circumstances of the instant case in as much as the facts of the said case relied upon are not in *pari materia* with the facts of the instant case.

31. The petitions and the accompanying applications are all dismissed.

ANU MALHOTRA, J.

JULY 9th, 2019/vm

