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

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Judgment Pronounced on: 07.01.2025

+ **W.P.(C) 17764/2024, CM APPL. 75532/2024**

ADITYA KUMAR MALLICKPetitioner

versus

UNION OF INDIA AND ANR.Respondents

Advocates who appeared in this case:

For the Petitioner : Mr. Praveen Kumar Singh, Mr. Sanal Nambiar, Ms. Ishita Goel, Ms. Chetna Singh, Ms. Charu Singh, Mr. Anand Kumar, Advs.

For the Respondents : Mr. Balendu Shekhar, CGSC with Mr. Krishna Chaitanya, Mr. Rajkumar Maurya, Advs. for R-1.
Mr. Arvind Nayyar, Sr. Adv. with Mr. Kunal Vajani, Mr. Kunal Mimani, Mr. Kartikey Bhatt, Mr. Tanish Arora, Ms. Sharmishtha Ghosh, Mr. Mridul Yovesh Suri, Advs. for R-2.
Dr. Ramya Tarakad Venkateswaran, Convenor of CAT 2024 in person.

CORAM:

HON'BLE MS. JUSTICE TARA VITASTA GANJU

JUDGMENT

TARA VITASTA GANJU, J.:

1. The present Petition has been filed on behalf of the Petitioner seeking a direction to quash/modify/set aside written result of Combined Admission Test, 2024 [hereinafter referred to as "CAT, 2024"]. Other ancillary reliefs



are also sought by the Petitioner including appointing an expert committee other than Respondent No.2 to ascertain the correct answer with proper reasoning from the four options of question no. 18 bearing question ID 332818441 in Verbal Ability and Reading Comprehension (VARC) section of Shift 2 [hereinafter referred to as “question-in-issue”] and to declare the results afresh.

2. Notice in this Petition was also issued by a Coordinate Bench of this Court on 24.12.2024. Given the fact that the results of CAT, 2024 have already been declared on 19.12.2024, the parties urgently completed pleadings in the matter.

3. The CAT examination is held by Respondent No.2 once a year and the duration of this examination is 120 minutes with three sections; Section 1 – Verbal Ability and Reading Comprehension (VARC); Section 2 – Data Interpretation and Logical Reasoning (DTLR); and Section 3 – Quantitative Ability (QA) The test was conducted online on 24.11.2024 in three sessions/shifts.

3.1 The grievance of the Petitioner in the present Petition is that an incorrect answer has been declared as the final answer of the question-in-issue. The Petitioner contends that the representation in the form of objections was raised by the Petitioner on 05.12.2024 on the portal of Respondent No.2 and the final answer key for CAT, 2024 gave a decision of “no change” to the answer of the question-in-issue. According to the Petitioner, Option 3 is not the correct answer and the correct answer would be Option 4.



3.2 It is the contention of the Petitioner that this declaration of the written result of the CAT, 2024 has been done hurriedly without giving any opportunity to the Petitioner to take redressal of this grievance.

3.3 Learned Counsel for the Petitioner submits that the Petitioner is a brilliant student who also took CAT, 2023 as well and secured 98.61 percentile. With a view to improve his score and to get an admission in a better institute of Indian Institute of Management (IIM), he chose to re-take the CAT in the year 2024.

3.4 Learned Counsel for the Petitioner contends that Option 4 is the correct answer to the question-in-issue and he seeks to support his contentions by distinguished expertise of CAT coaching institutes in the country. Reliance is placed upon the opinions of four experts of private coaching institutes, all of whom are running coaching institutes in different parts of the country to submit that three coaching institutes have unequivocally supported the Petitioner's answer while maintaining the official answer key as incorrect while the fourth institute has endorsed the Petitioner's answer while acknowledging that the final answer key might also be valid. Learned Counsel for the Petitioner has also presented video excerpts released by these coaching institutes to substantiate his contentions, which were played during the hearing.

3.5 Learned Counsel for the Petitioner further submits that there were 405 objections raised for the three shifts of CAT, 2024 out of which 272 objections were raised for the VARC section, for Shift 2 which in itself speaks volume about the question-in-issue. He further contends that the



reason behind why Option 4 is the correct answer and not Option 3, has been explained by the Petitioner as set out in paragraph 9 of the Petition in the following manner:

“The reason behind why option 3 vide Option ID 3328181481 (correct answer according to Respondent No. 2) is INCORRECT –

The option states – “Climate change has had negligible effects on the frequency of carnivore-human interactions in affected regions.” When considered false this statement reads - “Climate change has had non-negligible effects on the frequency of carnivore-human interactions in affected regions.

The passage reads – “Experts believe climate change also plays a part in the escalation of human-carnivore conflicts, but the correlation still needs to be ironed out.” This means that there is no significant understanding of the EXTENT of that correlation. However, it says that experts do believe that climate change does play a role, thereby showing that the extent, AT THE VERY LEAST, is non-negligible and NEEDS further study. The statement – “Climate change has had non-negligible effects on the frequency of carnivore-human interactions in affected regions.” is therefore DEFINITELY NOT INCONSISTENT with the passage, contrary to what is demanded in the question.”

3.6 Learned Counsel for the Petitioner has also placed reliance on the judgment of the Supreme Court in ***Rishal and others v. Rajasthan Public Service Commission and Others***¹ and two judgments passed by the Division Benches of this Court in ***Staff Selection Commission and Another v. Shubham Pal and Others***² and ***Manoj Saklani v. Union of India and Others***³ to submit that from time to time, the Courts have interfered with the results of a public examination where the Courts have held that where answer keys are erroneous, the student community cannot be made to suffer on account of errors committed by the university.

¹ 2018 SCC OnLine SC 488



3.7 Lastly, is contended by the learned Counsel for the Petitioner that the Petitioner is a meritorious student who scored 98.61 percentile in CAT, 2023, this incorrect answer will prejudice not only him but several other meritorious students like him, unless corrected.

4. Learned Senior Counsel for Respondent No.2 (the contesting Respondent), on the other hand, has submitted that Respondent No. 2 is one of the premium institutions in the country and has a very elaborate methodology set out to ensure that there is a comprehensive and transparent process in place for managing the objections raised by the candidates to the CAT examinations, held once a year. The entire process of conducting CAT examinations including preparation and scrutiny of the answer keys is executed with the highest standards of accuracy and has been designed by the experts in the country.

4.1 Learned Senior Counsel for Respondent No.2 has contended that CAT, 2024 was successfully conducted across 170 cities in India on 24.11.2024 with a total of 2.93 lakhs candidates appearing for CAT, 2024. As is part of the procedure, Respondent No.2 on 29.11.2024 issued a media release informing candidates that the provisional answer key for CAT, 2024 would be published on 03.12.2024. The media release also set out that each candidate who had successfully completed CAT, 2024 would get an opportunity to raise objections to the provisional answer key by following the process as set out therein. It was explained that the candidates could submit objections to the answer key up to 05.12.2024 and a total of 405

² 2024 SCC OnLine Del 7144

³ 2023 SCC OnLine Del 7726



objections were received including the one raised by the Petitioner.

4.2 Relying on the Counter-Affidavit of Respondent No.2, learned Senior Counsel for Respondent No.2 explains the process that takes place once the objections are received which comprises of several steps. It was contended that the CAT convenor reconciles the objections and shares them with the subject matter experts who hold extensive discussions. Reliance is placed on paragraph 21.5 (f), (g) and (h) in this regard, which is extracted below:

“21.5 Accordingly, the OMP undertaken by the CAT Committee for CAT 2024 was equally rigorous and detailed, as explained hereinbelow:

...

(f) immediately after the closure of the window for OMP, on 06.12.2024, the objections received were reconciled, sorted, and shared with the CAT Convenor, encapsulating the following:-

- Objection Evaluation Report: Organized by exam shift, type of objection, question ID, count of objections, and suggest answer(s);*
- Question paper PDFs: Containing actual candidate responses; and*
- Objection Images File and supplementary data.*

(g) the objections were then categorized section-wise and forwarded to the respective Panel of SMEs constituted for each of the three sections for the CAT 2024;

(h) from 06.12.2024 to 12.12.2024, the Panel of SMEs scrutinized each objection individually and collectively, ensuring there was no ambiguity. The Panel of SMEs not only reviewed the objections based on their expertise but also considered the reasoning provided by the candidates. This process involved multiple iterations of discussions to arrive at a conclusive decision;”

4.3 It is contended that since none of these objections qualified for the change, the final answer key was released on 16.12.2024 stating that there was no change in the result and subsequently, CAT, 2024 results were



released on 19.12.2024.

4.4 Learned Senior Counsel for Respondent No. 2 further explains that the Panel of Subject Matter Experts [hereinafter referred to as “SME’s”] for CAT, 2024 comprised of highly qualified professors from leading IIMs in their respective subject matter and the SME’s are eminent scholars equipped with multi-disciplinary capabilities. Emphasis is placed on the credentials of these experts which has been set out in paragraph 21.8 of the Counter-Affidavit of Respondent No.2 which is reproduced below:

*“21.8 The Panel of SMEs tasked with addressing objections in the VARC Section of CAT 2024 brought a wealth of expertise to the process. **Collectively, the panel possessed approximately 78 [seventy eight] person-years of experience in academia, 20 [twenty] person-years of experience in the corporate sector, and 43 [forty three] person-years of experience specifically related to the CAT Examination process.** This substantial depth of knowledge ensured a comprehensive and meticulous review of all objections.”*

[Emphasis supplied]

4.5 With a view to show the *bona fides* of Respondent No.2, Respondent No.2 also carried with them, in a sealed envelope, the name and details of the committee of experts that has scrutinised the result of CAT, 2024. It is, however contended by the learned Senior Counsel for Respondent No.2 that for the process to continue uniformly, the secrecy of these names was imperative.

4.6 Learned Senior Counsel for Respondent No.2, on instructions, also submitted that the video excerpts that have been produced by the Petitioner were from experts with 10-15 years of experience and that these videos excerpts have treated the question as a mere true and false question which



is not the purport of the question. It is further contended that these videos are all created by private coaching institutes for their own promotion. In fact, it is contended that in one of the videos, even the name and credentials of the video host has not been provided, thus cannot be taken as a credible source.

4.7 Learned Senior Counsel for Respondent No. 2 also relies upon paragraph 22 of its Counter-Affidavit wherein a detailed reasoning has been provided by Respondent No.2 as to why Option 3 is the correct answer and Option 4 might only apply if consideration is given to selective parts of the passage *qua* the question-in-issue. It was submitted that the primary concern of the passage is around risky human behaviour as the driver of such conflicts amongst animals and humans and hence the presence or absence of fear among carnivores which is implied in Option 4 is irrelevant to the core issue at hand.

4.8 Lastly, it was contended that CAT examinations are taken by 2.93 lakhs aspirants and any stay or modification to CAT, 2024 results would cause a significant delay in short-listing process for 21 IIMs and 86 non-IIMs institutes which rely upon these results for the admission of candidates. The Petition does not comprise of any legitimate justification for compromising the academic timelines of these institutions.

4.9 Learned Senior Counsel for Respondent No.2 has also relied upon the judgment of the Supreme Court in the case of *Kanpur University, through Vice-Chancellor and others v. Samir Gupta and others*⁴,

⁴ (1983) 4 SCC 309



*University Grants Commission and another v. Neha Anil Bobde (Gadekar)*⁵ and *Ran Vijay Singh and Others v. State of Uttar Pradesh and others*⁶ to submit that in academic matters unless there is a violation, the Courts should have a “hands off” approach and no change should be made to the correctness of an answer given unless on the face of it, it is wrong. It was further held that the Courts should not re-evaluate or scrutinise answer sheets of the candidates as it has no expertise in the matter and that academic matters are best left to the academics.

Analysis

5. It is apposite at this stage to set out the question-in-issue as well as answer key:

“Comprehension:

The passage below is accompanied by four questions. Based on the passage, choose the best answer for each question.

(. . .) There are three other common drivers for carnivore–human attacks, some of which are more preventable than others. Natural aggression-based conflicts—such as those involving females protecting their young or animals protecting a food source – can often be avoided as long as people stay away from those animals and their food.

Carnivores that recognise humans as a means to get food are a different story. As they become more reliant on human food they might find at campsites or in rubbish bins, they become less avoidant of humans. Losing that instinctive fear response puts them into more situations where they could get into an altercation with a human. which often results in that bear being put down by humans. “A fed bear is a dead bear,” says Servheen, referring to a common saying among biologists and conservationists. Predatory or predation-related attacks are quite rare, only accounting for 17% of attacks in North America since 1955. They occur when a carnivore views a human as prey and hunts it like it would any other animal it uses for food. (. . .)

⁵ (2013) 10 SCC 519

⁶ (2018) 2 SCC 357



Then there are animal attacks provoked by people taking pictures with them or feeding them in natural settings such as national parks which often end with animals being euthanised out of precaution. “Eventually, that animal becomes habituated to people, and [then] bad things happen to the animal. And the folks who initially wanted to make that connection don’t necessarily realise that,” says Christine Wilkinson, a postdoctoral researcher at UC Berkeley, California, who’s been studying coyote– human conflicts.

After conducting countless postmortems on all types of carnivore-human attacks spanning 75 years, Penteriani’s team believes 50% could have been avoided if humans reacted differently. A 2017 study co-authored by Penteriani found that engaging in risky behaviour around large carnivores increases the likelihood of an attack. Two of the most common risky behaviours are parents leaving their children to play outside unattended and walking an unleashed dog, according to the study. Wilkinson says 66% of coyote attacks involve a dog. “[People] end up in a situation where their dog is being chased, or their dog chases a coyote, or maybe they’re walking their dog near a den that’s marked, and the coyote wants to escort them away,” says Wilkinson.

Experts believe climate change also plays a part in the escalation of human-carnivore conflicts, but the correlation still needs to be ironed out. “As finite resources become scarcer, carnivores and people are coming into more frequent contact, which means that more conflict could occur,” says Jen Miller, international programme specialist for the US Fish & Wildlife Service. For example, she says, there was an uptick in lion attacks in western India during a drought when lions and people were relying on the same water sources.

(. . .) The likelihood of human–carnivore conflicts appears to be higher in areas of low-income countries dominated by vast rural landscapes and farmland, according to Penteriani’s research. “There are a lot of working landscapes in the Global South that are really heterogeneous, that are interspersed with carnivore habitats, forests and savannahs, which creates a lot more opportunity for these encounters, just statistically,” says Wilkinson.

Q.18 Which of the following statements, if false, would be inconsistent with the concerns raised in the passage regarding the drivers of carnivore-human conflicts?

Ans 1. Predatory attacks by carnivores are a common occurrence and have steadily increased over the past few decades.

2. Human efforts to avoid risky behaviours around large carnivores have proven effective in reducing conflict incidents.



3. *Climate change has had negligible effects on the frequency of carnivore-human interactions in affected regions.*

4. *Carnivores lose their instinctive fear of humans, when consistently exposed to human food sources.”*

6. It is the contention of the Petitioner that the answer to this question is answer 4 above. The answer key provided by Respondent No. 2 is Option 3 which has been affirmed by the SME's. While it is the contention of the Petitioner, relying on experts from private coaching institutes, that the answer 3 is definitely incorrect. Respondent No.2 has submitted that the objection raised by the Petitioner appears to be based on a difference of opinion regarding the correct answer and a mere difference of opinion does not warrant any judicial interference by the Court.

7. The power of judicial review in the subject matter of examination is no longer *res integra*. The Supreme Court in the *Kanpur University* case has held that the answer key should be assumed to be correct unless proved to be wrong and not by an inferential process. It should not held to be wrong by an inferential process or by a process of rationalisation unless it is beyond doubt that the answer could be recorded as correct. Paragraph 16 and 17 of the *Kanpur University* case is extracted below:

*“16. Shri Kacker, who appears on behalf of the University, contended that no challenge should be allowed to be made to the correctness of a key answer unless, on the face of it, it is wrong. **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 contention of the University is falsified in this case by a large number of acknowledged textbooks, which are commonly read by students in U.P. Those textbooks leave no room for*



doubt that the answer given by the students is correct and the key answer is incorrect.

17. Students who have passed their Intermediate Board Examination are eligible to appear for the entrance Test for admission to the medical colleges in U.P. Certain books are prescribed for the Intermediate Board Examination and such knowledge of the subjects as the students have is derived from what is contained in those textbooks. Those textbooks support the case of the students fully. **If this were a case of doubt, we would have unquestionably preferred the key answer. But if the matter is beyond the realm of doubt, it would be unfair to penalise the students for not giving an answer which accords with the key answer, that is to say, with an answer which is demonstrated to be wrong.**

[Emphasis supplied]

8. A similar view was taken by the Supreme Court in the ***Ran Vijay Singh*** case where after referring to several judicial precedents, the Court laid down that there needs to be a finality in the results of a judicial examination. Relying on the ***Kanpur University*** case, it was further held that the burden on the candidate is rather heavy and the Constitutional Courts must be extremely cautious in entertaining pleas challenging the answer keys. The relevant extract is set out below:

“19. In *Kanpur University v. Samir Gupta* [*Kanpur University v. Samir Gupta*, (1983) 4 SCC 309] this Court took the view that: (SCC p. 316, para 16)

“16. ... 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.”

In other words, the onus is on the candidate to clearly demonstrate that the key answer is incorrect and that too without any inferential process or reasoning. **The burden on the candidate is therefore rather heavy and the constitutional courts must be extremely cautious in entertaining a plea challenging the correctness of a key answer. To prevent such challenges, this Court recommended a few**



steps to be taken by the examination authorities and among them are: (i) establishing a system of moderation; (ii) avoid any ambiguity in the questions, including those that might be caused by translation; and (iii) prompt decision be taken to exclude the suspect question and no marks be assigned to it.”

[Emphasis supplied]

8.1 The Supreme Court in the **Ran Vijay Singh** case further relied on a series of judgments and highlighted its conclusions in the following manner:

“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]

8.2 It further cautioned that although sympathy and compassion does not play any role in the matter of evaluation of an answer sheet and even though some candidates may perceive that some injustice has been caused to them, the entire examination process does not deserve to be derailed because of one candidates’ disappointment. The relevant extract of the **Ran Vijay Singh**



case is reproduced below:

*“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.”*

[Emphasis supplied]

9. The Supreme Court in the ***Kanpur University*** case and in other judgments has set out the importance of publishing an answer key to achieve transparency and give an opportunity to candidates to assess the correctness. It also provided that the objections should be examined by experts or a body of experts and after considering the objections, the final answer key should be published. The Courts have also held that there must be a grievance redressal mechanism in place for the candidates.

10. As can be seen from the contentions and Counter-Affidavit filed by Respondent No.2, Respondent No.2 appears to have a very elaborate process of conducting and evaluating the answer keys of CAT examinations. While explaining this process, Respondent No.2 has given the following clarification in its Counter affidavit:

*“21.4 It is submitted that the assertion of the Petitioner that the observation of the Panel of SMEs, stating that “No change” is required, is unexplained, is also unfounded. It is inconceivable to expect the Panel of SMEs to provide detailed reasoning for every objection raised by candidates. However, this does not ipso facto imply that the Panel of SMEs failed to consider the objections raised by the Petitioner and other candidates. **The general procedure***



adopted by the CAT Committee while conducting the CAT Examination ensures a foolproof evaluation process as encapsulated hereinunder:-

- (a) each question in the CAT Examination is formulated by highly qualified and experienced experts, with a separate expert panel specializing in the requisite subject matter for each section of the CAT Examination;
- (b) **after the examination concludes, the CAT Committee releases a Provisional Answer Key, serving as an initial assessment, which is made publicly available to all candidates who appeared for the CAT Examination;**
- (c) the CAT Committee **invites objections from candidates regarding the accuracy or correctness of the answers in the Provisional Answer Key.** Candidates may challenge specific questions or answers they believe to be erroneous or unclear;
- (d) **once objections are submitted, the CAT Committee refers them to Panel of SMEs constituted specifically for this purpose. This Panel of SMEs comprises highly qualified professionals from IIMs with expertise in the relevant subject matter;**
- (e) the Panel of **SMEs meticulously examines the objections and prepares a report validating or dismissing the objections;**
- (f) based on the recommendations of Panel of SMEs, **the CAT Committee takes appropriate corrective measures, which may include deleting problematic questions or modifying answers in the Provisional Answer Key.** These changes ensure utmost accuracy and fairness in the evaluation process; and
- (g) **the CAT Committee then releases the Final Answer Key, encapsulating the thorough review and diligent opinion of the expert panel. This Final Answer Key attains a high degree of finality, being free from errors or inaccuracies.**”

[Emphasis supplied]

11. Respondent No.2 has also contended that it is not as if the answer key is never corrected. It is stated that in fact, both in CAT, 2022 and CAT,



2023, there was an amendment made to the answer key after the SME's found the need for the same and a revised answer key was released by Respondent No.2 thereafter. However, so far as concerns CAT, 2024, there was no requirement for any change to the answer key necessary including to the question-in-issue.

12. No doubt, Respondent No.2 is one of the premium institutions of the country, and as stated above, its panel of experts are eminent scholars and professionals with unparalleled academic credentials and expertise. Respondent No.2 has also submitted in its Counter Affidavit that the panel of four experts who have examined all Objections to the provisional answer keys have approximately 78 person-years expertise in academia, 20 person-years of experience in corporate sector and 43 person-years of experience specifically related to the CAT examinations and this body of knowledge is in place to ensure a comprehensive and meticulous review of all answer key objections.

13. The law as laid down in several land mark decisions of the Supreme Court, including as discussed above, is that usually the Court should refrain in undertaking evaluation of question papers and answer sheets as this undermines the expertise of examining body. The Courts are required to presume the correctness of the answer keys and proceed on such an assumption and where in doubt, the benefit should go to the examination authority rather than to the candidate.

14. In addition, in order for an answer key to be held as incorrect, it has to be clearly demonstrated as such and not by a process of inferential



reasoning. The sanctity of the process should be preserved by limiting the interference of the Courts in academic matters. Judicial interference is an exception to uphold the autonomy and integrity of academic boards.

15. The Petitioner has contended that there is a shroud of secrecy around the answer key and that there is concealment by Respondent No. 2 since an explanation has not been given by Respondent No.2 as to why the answer no. 3 as given by the Petitioner is incorrect. This submission of the Petitioner is without any merit. Respondent No. 2 has explained the elaborate process that it undertakes not only to ensure fairness in its examination but also in the answer key it provides. The two-step methodology created by Respondent No.2 when the first answer key was released on a particular date and thereafter, after inviting objections, the answer key is scrutinised by a committee of subject experts with vast experience who re-evaluate the answer keys based on the objections, once re-evaluated, the final answer key is released. The Supreme Court in *Basavaiah (Dr.) v. Dr. H.L. Ramesh and others*⁷ has held that decisions regarding academic matters should rest with subject matter experts and the Courts should not overturn such decisions unless *malafides* are proved.

15.1 In *Basavaiah (Dr.)* case, the Supreme Court held that it is a well settled legal position that the Courts have to show deference and consideration to the recommendation of an expert committee of distinguished experts in the particular field who have the necessary qualification and expertise. Reliance was placed on several decisions of the Supreme Court including the following:



“30. In *Dalpat Abasaheb Solunke v. Dr. B.S. Mahajan* [(1990) 1 SCC 305: 1990 SCC (L&S) 80 : (1991) 16 ATC 528] the Court in somewhat similar matter observed thus: (SCC pp. 309-10, para 12)

“12. ... It is needless to emphasise that it **is not the function of the court to hear appeals over the decisions of the Selection Committees and to scrutinise the relative merits of the candidates.** Whether a candidate is fit for a particular post or not has to be decided by the duly constituted Selection Committee which has the expertise on the subject. **The court has no such expertise.** The decision of the **Selection Committee can be interfered with only on limited grounds, such as illegality or patent material irregularity in the constitution of the Committee or its procedure vitiating the selection, or proved mala fides affecting the selection, etc.** It is not disputed that in the present case the University had constituted the Committee in due compliance with the relevant statutes. The Committee consisted of experts and it selected the candidates after going through all the relevant material before it. In sitting in appeal over the selection so made and in setting it aside on the ground of the so-called comparative merits of the candidates as assessed by the court, the High Court went wrong and exceeded its jurisdiction.”

31. In *Chancellor v. Dr. Bijayananda Kar* [(1994) 1 SCC 169: 1994 SCC (L&S) 296 : (1994) 26 ATC 570] the Court observed thus: (SCC pp. 174-75, para 9)

“9. **This Court has repeatedly held that the decisions of the academic authorities should not ordinarily be interfered with by the courts.** Whether a candidate fulfils the requisite qualifications or not is a matter which should be entirely left to be decided by the academic bodies and the Selection Committees concerned which invariably consist of experts on the subjects relevant to the selection.”

32. In *J&K State Board of Education v. Feyaz Ahmed Malik* [(2000) 3 SCC 59] the Court while stressing on the **importance of the functions of the expert body observed that the expert body consisted of persons coming from different walks of life** who were engaged in or interested in the field of education and had wide experience and were entrusted with the duty of maintaining higher standards of education. **The decision of such an expert body should be given due weightage by courts.**

33. In *Dental Council of India v. Subharti K.K.B. Charitable Trust* [(2001) 5 SCC 486] the Court reminded the High Courts that the Court's jurisdiction

⁷ (2010) 8 SCC 372



to interfere with the discretion exercised by the expert body is extremely limited.

34. In *Medical Council of India v. Sarang* [(2001) 8 SCC 427] the Court again reiterated the **legal principle that the court should not normally interfere or interpret the rules and should instead leave the matter to the experts in the field.**

35. In *B.C. Mylarappa v. Dr. R. Venkatasubbaiah* [(2008) 14 SCC 306: (2009) 2 SCC (L&S) 148] the Court again reiterated the legal principles and observed regarding importance of the recommendations made by the expert committees.

36. In *Rajbir Singh Dalal (Dr.) v. Chaudhari Devi Lal University* [(2008) 9 SCC 284 : (2008) 2 SCC (L&S) 887] the Court reminded that it is not **appropriate for the Supreme Court to sit in appeal over the opinion of the experts.**

37. In *All India Council for Technical Education v. Surinder Kumar Dhawan* [(2009) 11 SCC 726] again the legal position has been reiterated **that it is a rule of prudence that courts should hesitate to dislodge decisions of academic bodies.**

38. **We have dealt with the aforesaid judgments to reiterate and reaffirm the legal position that in the academic matters, the courts have a very limited role particularly when no mala fides have been alleged against the experts constituting the Selection Committee. It would normally be prudent, wholesome and safe for the courts to leave the decisions to the academicians and experts. As a matter of principle, the courts should never make an endeavour to sit in appeal over the decisions of the experts. The courts must realise and appreciate its constraints and limitations in academic matters.**”

[Emphasis supplied]

16. Respondent No.2 has given a detailed explanation in its Counter-Affidavit to dispute the reasoning of the Petitioner. It has been stated that the Petitioner has misinterpreted the question-in-issue and had not addressed the specific query posed therein. It has also explained that Option 4 would only apply if selective parts of the passage are taken into account, however, when viewed in the context of the broader concern raised in the question-in-issue,



Option 4 is not correct. This has further been explained by Respondent No. 2 in its Counter-Affidavit in the following manner:

*“22.2 It is submitted that **Option No. 4 might apply only when considering selective parts of the passage under the Subject Question, however, it is neither an appropriate nor an accurate answer when viewed in the context** of the broader concerns raised in the passage under the **Subject Question**. Pertinently, the **question explicitly sought to identify the “concerns raised in the passage regarding the drivers of carnivore-human conflicts.”** It is submitted that the primary concern of the passage revolves around risky human behaviour as a driver of such conflicts. **Thus, the presence or absence of fear among carnivores, as implied in Option No.4, is irrelevant to the core issue being addressed. It is submitted that the correct answer, i.e. Option No. 3, accurately reflects the concern highlighted in the passage under the Subject Question.**”*

[Emphasis supplied]

17. Time and again the Supreme Court has held that “*academic matters are left best to the academics*”. The onus is on the candidate to not only demonstrate that the answer key is incorrect but also that the mistake is a glaring error. If an answer requires a process of inferential reasoning to show that the answer key is wrong, the constitutional Courts are not required to interfere.

18. The entire case of the Petitioner is based on inferential reasoning. He has attempted to show to the Court, by a three page analysis as to why Option 3, as decided by the panel of SME’s appointed by Respondent No. 2, is incorrect. The Supreme Court has time and again cautioned that only where there is a demonstrable and glaring error, interference is required, however, if an answer key is held to be wrong by an inferential process of reasoning or a process of rationalisation then the benefit is to be given to the examination authority.



19. Given the detailed explanation of Respondent No.2, we find that there has been no concealment, in fact the process adopted is meticulous and transparent. The judgment in the Kanpur University case which has been consistently followed over the last 40 years has held that where for an answer key to be held as incorrect, the error must not be required to be interfered through reasoning or rationalisation. This is precisely what the Petitioner is asking the Court to do, which is impermissible. No Court is to sit in an Appeal over the opinion of an academic body unless there is clear evidence of malafide of procedural irregularities. The Petitioner has failed to show either.

20. In view of the foregoing discussions, we find no reason to interdict the result of CAT, 2024. The Petition is accordingly dismissed. The pending Application also stands closed.

21. Parties will act based on the digitally signed copy of the judgment.

TARA VITASTA GANJU, J

JANUARY 07, 2025/r