(1993) 04 AP CK 0062

In the Andhra Pradesh High Court

Case No : Writ Petition No. 9063/92

A. Swapna and Others — APPELLANT

Vs

Convenor, EAMCET-92, Andhra University and Others — RESPONDENT

Date of Decision : 16-04-1993

Acts Referred:

Andhra Pradesh Professional Educational Institutions (Regulation of Admissions into Undergraduate Professional Courses through Common Entrance Test) Rules, 1989 — Rule 10, 5(11)
Constitution of India, 1950 — Article 226

Citation : (1993) 2 ALT 352

Hon'ble Judges : S. Parvatha Rao, J

Bench : Single Bench

Advocate : Philkhana Ramarao, B.V.S. Sivarama Prasad and D. Vijay Kumar, for the Appellant; T.S. Haranath, S.C. for Respondent No. 1; S. Ramamurthy Reddy, S.C. for Health University for Respondent No. 2 and Government Pleader for Medical and Health, for the Respondent

Judgement

S. Parvatha Rao, J.

Writ Petition Nos. 9063 and 9277 of 1992:

1. Petitioners in these two Writ Petitions appeared for the commom entrance test for admission to the first year of the various medical courses like M.B.B.S. and B.D.S. etc., known as Engineering, Agricultural & Medical Common Entrance Test (EAMCET) conducted for the academic year 1992-93 by the Andhra University, Convener of which is the 1st respondent. The results of the said test were published in all the dailies on 13-7-1992. Petitioner in Writ Petition No. 9063 of 1992 (hereinafter referred to as ''the 1st petitioner'') secured 36 marks in Biology, 40 marks in Physics and 34 marks in Chemistry out of 50 in each of the said subject i.e., a total of 110 marks out of 150 marks and her rank was shown as 918. Petitioner in Writ Petition No. 9277 of 1992 (hereinafter referred to as ''the 2nd petitioner'') secured 35 marks in Biology, 41 in Physics and 36 in Chemistry i.e, a total of 112 marks out of 150 marks and her rank was shown as

734. The petitioners question the key answers to some of the questions in Biology and seek a direction to the respondents to produce their answer scripts and also the key answers provided by the 1st respondent to all the valuers for the purpose of evaluation of the answer scripts in Biology, and a declaration that providing key answers to the valuers without giving them the power to adjudicate the correct answers as illegal and arbitrary, and a direction to the respondents to get the answer scripts of the petitioners revalued afresh, and a direction to declare their results after such revaluation, and a direction to admit them in the first year M.B.B.S. course for the academic year 1992 -93.

2. The petitioners state that as per the instruction booklet issued by the 1st respondent for EAMCET-92 for admission to Medical, Dental etc., colleges in the State of Andhra Pradesh, the question papers would be of objective type (multiple choice and fill up the blanks). Model question paper in Biology, Physics and Chemistry was also given as Annexure-II to the said booklet. Sub-clause (a) of Clause 10 of the said booklet deals with evaluation and states as follows:-

" 10. (a): Evaluation: Every case will be taken in the valuattion, checking, scruntiny, tabulation and ranking. Hence request for retotalling or revaluation or personal identification of scripts will not be entertained."

Sub-clause (b) of the said Clause 10 states inter alia that:

"10 (b): Ranking: (i) Candidates appearing for Agricultural, Medical and Pharmacy Courses (Bi.P.C. group) will be ranked in the order of merit. In case of a tie in aggregate, marks obtained in Biology, and in case of further tie, marks obtained in Physics will be taken into account to decide the relative ranking. In case of Candidates getting equal marks in each of the three subjects, they will be bracketted for the purpose of award of rank. At the time of admission, age will be taken into consideration for relative ranking between the bracketted candidates, the older candidate being given priority."

Thus in case of tie in aggregate marks, the first tie breaker is the number of marks obtained in Biology and that is why the petitioners lay particular stress on the evaluation of the Biology paper.

3. The petitioners state that the 1st respondent got prepared a statement of key answer to each of the questions in each of the papers and the valuer, though qualified to assess the correctness of the answer himself was allowed no option except to go by the key and award marks on the basis whether the candidate answered in accordance with the key. The petitioners contend that the said system of evaluation adopted is illegal and arbitrary. The 2nd petitioner further contends that neither the Government of Andhra Pradesh nor the Board of Intermediate Education prescribed text books to be followed for Intermediate and that the respondents did not prescribe text books to be followed for EAMCET-92 examinations in any of the subjects and that the students were therefore constained to follow different text books in different colleges in the State according to the recommendations by the Lecturers concerned which led to

difference of opinion as regards the answers to the questions in the said test. The petitioners complain that the ultimate result, in the event, has been reduced to one of gamble. They complain that the students were not certain as to what was the correct answer in the absence of prescription of standard books. The 1st petitioner questions the key answers to 8 questions in Biology paper of EAMCET-92 and the 2nd petitioner also questions the key answers to 8 questions in the same Biology paper. Five of the questions are common.

4. The 1st and 2nd petitioners filed these Writ Petitions on 21-7-1992 and 24-7-1992 respectively. They were admitted on 7-8-1992. The 1st and 2nd petitioners also filed W.P.M.P.Nos. 11240 and 11530 of 1992 respectively for directing the respondents to keep one seat reserved in any of the medical colleges in the State of Andhra Pradesh in the first year M.B.B.S. course, pending disposal of the Writ Petitions and on 20-10-1992 this Court directed as follows :-

"The petitioner challenges the validity of the evaluation of the answer scripts with reference to ''key answer''. Counter-affidavit has not so far been filed. In my view, reserving a seat for the petitioner would not serve the purpose. If the petitioner succeeds in the writ petition, appropriate directions can be issued to meet the ends of justice. Therefore, I am not inclined to issue the direction prayed for by the petitioner. The petition is, therefore, dismissed."

and the Writ Petitions were directed to be posted for final hearing on 26-10-1992.

5. Subsequently petitioners 1 and 2 also filed W.P.M.P.Nos. 717 and 721 of 1993 respectively to permit them to add the relief of striking down Sub-rule (11) of Rule5 of the Andhra Pradesh Professional Educational Institutions (Regulation of admissions into undergraduate Professional Courses through Common Entrance Test) Rules, 1989 (hereinafter referred to as '' the Rules'') framed in G.O.Ms.No. 62, Education (Rules), dated 10-2-1989 under Sections 3 and 15 of the Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983 which provides that "no requests for retotalling or revaluation or personal identification of the answer scripts of the entrance test shall be entertained." In the alternative, the petitioners seek a declaration that the said Rule has no application to the facts of their cases and cannot prevent this Court from exercising its power under Article 226 of the Constitution of India. These petitions have been filed by the petitioners in view of the stand taken in the counter affidavits filed by the 1st respondent contending that in view of Sub-rule (11) of Rule 5 the petitioners are not entitled to the relief of revaluation of answer scripts and for production of the same together with keys when they did not challenge the said Rule the content of which was specifically referred to in the instruction booklet in Para 10 (a) under the caption ''evaluation'', which in effect repeats what Sub-rule (11) of Rule 5 states and therefore has statutory sanction.

6. In the counter affidavit filed by the 1st respondent, it is contended that the questions are not vague and do not attract more than one answer and that on

the other hand, they are clear and precise. It is further contended that providing key answers to the valuers is not arbitrary and not violative of Article 14 of the Constitution. It is further stated as follows :-

"Several thousands of candidates appeared for the test. Hence it is not possible that all the answer papers can be corrected by a lone valuer, that too in the available time and so the answer papers had to be distributed amongst several valuers. To maintain uniformity and to avoid acceptance of different answers by different valuers, the key was prepared and supplied to all the valuers, giving no choice to them. This course is perfect, just, correct and appropriate and this method was being adopted since several years and nobody found fault with the same till now. It is not illegal and arbitrary. Petitioner is not entitled to challenge the method of valuation, that too at this stage. Even when she applied for the test, she was aware of the method of valuation."

The 1st respondent further has asserted that the answers mentioned in the key are correct and that for the answers written by the petitioners correctly as per key, marks were awarded to them. It is further stated that the question papers were set very carefully. The procedure followed for setting the question paper in each subject and for preparing the key answer is also detailed by the 1st respondent in his counter affidavit in the following manner :

" For each subject, for professors belonging to different Universities prepared four different question papers. Out of these four papers, two were given to another professor of the same subject called Moderator No. 1. The rest of the two question papers were also given to a different professor of the same subject called Moderator No. 2. The said two moderators prepared two question papers, out of which one was selected by the Chairman of the EAMCET Committee. Thus, the question paper was finalised by acedemicians who are experts in the respective subjects. Petitioner is not entitled to challenge the correctness, validity and binding nature of the question papers that too at this stage after the examination was over, after the results were announced preparing the ranks, simply because she did not secure the expected rank. She is not entitled to request this honourable Court to investigate and find out the correctness or otherwise of the performance of the academicians, sitting in judgment over the academic wisdom of experts in the subject who prepared question papers and keys.

So far as the preparation of key is concerned, moderators prepared the key along with question papers. There were two Chief examiners for each paper, who are Professors in the respective subjects. These two chief examiners sitting with four or five local college lecturers prepared a draft key. This draft key and the key prepared by the moderators were compared and then master key was prepared by chief examiners (subject Professors) and the same was given to the valuers, for valuation of the answer scripts. The answers mentioned in the key are in accordance with the standard text books and standard publications."

The 1st respondent further submits that the petitioners are bound by the key answers and they are not entitled to challenge the correctness and legality of the same and not entitled to request this Court to sit in judgment over the work of the academicians who are experts in the subject.

7. In their reply affidavits, the petitioners contend that the 1st respondent cannot take advantage of the secrecy in keeping the key without publishing the same and when the mischief done in the key came to light, he cannot shirk his responsibility to place the key openly and he cannot blame the petitioner for having exposed the mischief done.

8. In the counter affidavit filed on behalf of the 3rd respondent, reference was made to the Rules and in particular to Rule 10 which provides for the constitution and functions of the entrance test committee and the functions of its Chairman and of the Convener. It is submitted that the examiners and invariably experts in their respective subjects and there will not be any scope for mistakes and the question of re-totaling or revaluation of the answer scripts will not arise, and that Sub-rule (11) of Rule 5 of the Rules is legal and valid and not arbitrary or discriminatory and that no grounds are made out for striking down the said sub-rule.

9. Before going into the various contentions raised by the learned counsel for the petitioners and the respondents, it is necessary to have a look into the Rules, particularly those provisions dealing with the setting of papers for the entrance test and evaluation of the answer scripts. Rule 10 of the Rules provides for the constitution of the entrance test committee and specifies its composition. It provides that the State Council of Higher Education shall constitute an Entrance Test Committee for conducting the Common Entrance Test known as the ''Engineering, Agricultural Science and Medical Common Entrance Test (EAMCET) annually''. Its Chairman shall be the Vice- Chancellor of any University or the Principal, Regional Engineering College, Warangal, as the case may be, as nominated by the State Council of Higher Education for each academic year for the purpose of conducting the Entrance Test. The Convener i.e., a person who should be of the rank of Professor nominated by the State Council of Higher Education in consultation with the Chairman of the Common Entrance Test Committee is one of the members of the said committee ; the Convener of the Common Entrance Test for the preceding year is also a member of the said committee. One representative of each of the Universities to be nominated by the concerned Vice-Chancellor is a member of the committee. One representative of the Regional Engineering College, Warangal to be nominated by the Principal, Regional Engineering College, Warangal is also a member of the said committee. One member is to be nominated by the State Council of Higher Education and one Principal of a private Engineering College is to be nominated by the State Council of Higher Education. The Director of Technical Education, Andhra Pradesh and the Director of Medical Education, Andhra Pradesh or their nominees not below the rank of Joint Diector are two other members of the said committee.

Thus the predominent role for constitutiong the committee is entrusted to the State Council of Higher Education which is a body corporate constituted by the State Government u/s 3 of the Andhra Pradesh State Council of Higher Education Act, 1988. Indeed, under Sub-section (2) of Section 11 of the said Act, one of the academic functions entrusted to the said State Council is "to conduct entrance examination for admission to institutions of higher education and render advice on admissions." "Higher Education" is defined u/s 2 (g) of the said Act as meaning "every education above the tenth class leading to a degree or diploma including Intermediate education and Technical education but does not include a certificate course in Technical Education not leading to a degree or diploma". Sub-rule (2) of Rule 10 provides for the functions of the Entrance Test Committee, its Chairman and the Convener. Clause (a) of the said sub-section provides that the said committee shall take decisions on the following aspects of the entrance test from time to time:-

"(i) Pattern of question papers;

(ii) Duration of the test;

(iii) Weightage and marks to be assigned to each paper ;

(iv) Syllabus content;

XXX XXX XXX

(x) Such other issue or issues as may be referred to it by the Chairman of

the State Council of Higher Education from time to time."

Under Clause (b) of the said sub-section, the Chairman of the Entrance Test Committee "shall be the competent authority to appoint paper setters and moderators for the entrance test and to decide upon the printing press or presses at which the papers are to be got printed." Under Clause (c) of the said sub-section, "the Convenor shall, subject to such directions as may be issued by the Chairman, discharge his duties in connection with the Entrance Test," and shall be responsible for discharging the following functions :- " xxx xxx xxx

(iv) Appointment of Co-ordinators and Chief Superintendents and Observers for various centres of the test;

(v) Coding the De-coding of answer scripts;

(vi) Appointment of examiners for the valuation of the answer scripts in consultation with the Chairman ;

(vii) Evaluation by spot valuations of the answer script;

xxx xxx xxx

(ix) Publication of results and despatch of Rank Cards to the qualified candidates;

(x) Selecting candidates for admission into Private Institutions."

10. The system of entrance test for admission to professional colleges is now in vogue in several States and questions are being raised about the correctness of the key answers ever and anon before other High Courts also by way of Writ Petitions. The matter came up for consideration before the Supreme Court also for the first time in Kanpur University and Others Vs. Samir Gupta and Others, on an appeal from a decision of the Allahabad High Court allowing the Writ Petitions preferred by the students questioning the key answers to some of the questions set for the combined Pre-Medical Test held in Uttar Pradesh in the year 1982. The Kanpur University was nominated by the Uttar Pradesh State Government to conduct the said test. The students got to know the key answers because the University itself published the key answers along with the results of the test. The Supreme Court observed that the University wanted rightly, to be frank and fair by publishing the key answers. The Allahabad High Court held that the key answers to some of the questions were wrong and that the answers given by some of the students were correct. The Supreme Court observed as follows :-

"The findings of the High Court raise a question of great importance to the student community. Normally, one would be inclined to the view, especially if one has been a paper setter and an examiner, that the key answer furnished by the paper setter and accepted by the University as correct, should not be allowed to be challenged. One way of achieving it is not to publish the key answer at all. If the University had not published the key answer along with the result of the test, no controversy would have arisen in this case. But that is not a correct way of looking at these matters which involve the future of hundreds of students who are aspirants for admission to professional courses. If the key answer were kept secret in this case, the remedy would have been worse than the disease because, so many students would have had to suffer the injustice in silence. The publication of the key answer has unraveled an unhappy state of affairs to which the University and the State Government must find a solution. Their sense of fairness in publishing the key answer has given them an opportunity to have a closer look at the system of examinations which they conduct."

As regards dealing with attacks on the correctness of the key answers, the Supreme Court observed as follows :-

" 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 reasoning or by a process of rationalisation. It must be clearly demonstrated to be wrong, that it 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 text-books, which are commonly read by students in U.P. Those text-books leave no room for doubt that the answer given by the students is correct and the key answer is incorrect.

..... 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 text-books. Those text-books 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."

In that case, the Supreme Court suggested that if text books are prescribed for students desirous of appearing for the combined Pre-Medical test, recurrence of such lapses could be avoided. The Supreme Court also expressed that a system should be devised by the State Government for moderating the key answers furnished by the paper setters and that translation of English questions into Hindi should be done by a translator knowing the meaning of the scientific terminology and the art of translation. As regards the system of multiple choice objective type test, the Supreme Court observed that care should be tat en to see that questions having an ambiguous import were not set in the papers and that the questions should be clear and unequivocal. Finally the Supreme Court also observed as follows :-

"Lastly, if the attention of the University is drawn to any defect in a key answer or any ambiguity in a question set in the examination, prompt and timely decision must be taken by the University to declare that tha suspect question will be excluded from the paper and no marks assigned to it."

The Supreme Court referred to and followed its decision in Samir Gupta''s case (1 supra) in Abhijit Sen and Others Vs. State of U.P. and Others, . summarising the view taken by it earlier. As regards the testing of the correctness of the answer given by the students, the Supreme Court observed as follows :-

".....if the answer given by a student is correct if regard be had to acknowledged text-books or books which the student was expected to read and consult before appearing for the test it would be unfair to penalise the student for not giving an answer which accords with the "key-answer'' that is to say with an answer which is demonstrated to be wrong."

In Abhijit Sen''s case 2, the Supreme Court found considerable force in the contention of the University that "if a situation was reached where both the answers, namely, the one given by the appellants (students) as well as the ''Key-answer'' supplied by the paper setter, were found to be wrong with reference to the correct answer as determined by the Court the appellants should not succeed."

11. In G. Nalini Vs. The Director, Medical Education, Government of Andhra Pradesh and Others, . a Division Bench of this Court had to consider the correctness of the key answers to the questions in the question papers for the entrance test for admission to M.B.B.S. /B.D.S. course in the medical colleges in the State. As regards multiple choice questions, this Court observed as follows :-

" One of the important criteria of a good test especially of multiple choice questions is that it should be fairly good at evolving ''discrimination index'' which means that it should be able to discriminate students of high ability group'' from those of ''low ability group.'' For this purpose the frame of the question paper is such that for all questions there will be only one most appropriate answer and the others are merely distractors. The stem of the question precedes the four suggested answers. In the four suggested answers all except one most appropriate answer are distractors. The distractors are so framed so as to enable only a student of high ability to select the correct alternative, i.e., the key answer, while the rest choose the distractors. The distractors can be effective only when they are chosen by only the middle or low ability group students and not by high ability group students. There is likelihood of many students choosing the distractors and only students with full knowledge of the subject choosing the correct answer i.e., the key answer."

The Division Bench kept in view the decision of the Supreme Court in Samir Gupta''s case (1 supra) and observed as follows :-

" There is a presumption in favour of the correctness of the key answer. After going through the texts cited before us, we are convinced that the key answer alone is the most appropriate answer and the other answers are only seemingly appropriate answers which are intended to serve as a distractor to the candidates and serve as a test for discrminating between the high-ability group and the average or low-ability group of students."

However, the Division Bench found that the key answer to question No. 93 was shown to be demonstrably wrong relying on the opinion of two eminent authors in Physics i.e., on two text books. The Division Bench also discovered that in the case of another question i.e., question No. 8, the translation of the English question into Telugu was not correctly done. The contention that none of the candidates before the Court asserted that they followed the Telugu version of the question was rejected by the Division Bench in the following manner :-

" We are, therefore., of the positive opinion that such of those petitioners who are denied a mark for question No. 8 are entitled to the addition of one mark. No doubt there is no assertion by any candidate in the affidavit that he saw the question as framed in Telugu. As we have already observed it is not possible to say that a candidate would not have looked at the questions both in English and Telugu. In any case, if there is any reasonable doubt on the question, whether a particular candidate looked into the question in English or Telugu or looked into both versions, the benefit of that doubt must go to the candidate. We accordingly hold that such of the petitioners who are denied a mark for question No. 8 are entitled to the addition of one mark."

12. A Division Bench of the Calcutta High court followed the said two decisions of the Supreme Court in Amalendu Santra Vs. University of Calcutta and Others, . That was an appeal against the judgment of a learned single Judge of the

Calcutta High Court dismissing the Writ Petition preferred by a candidate who appeared for an admission test for selecting the candidates for admission to M.S. course of 1982, session. The learned single Judge held that there was no lack of bona fides in selecting model answers by the paper setters as most appropriate by relying upon well known text books. The contention on behalf of the petitioner was that all the questions which were set by the paper setters were not of objective type of questions is as much as they did not lead to only one most appropriate answer, but they suggested more than one correct answer and as such the evaluation of the answer papers submitted by the petitioner with reference to key answer cannot be said to be faultless in as much as the other correct answers to the said question were not considered for evaluating the answers submitted by the petitioner and that therefore the evaluation of the answer script and the assessment of marks on such evaluation was highly arbitrary, unreasonable and violative of the rule of law. The Division Bench upheld the contention of the petitioner in respect of key answers to some quesions. The Division Bench found that some of the questions were ambiguous and suggesting more than one correct answer and directed that marks should be awarded to the petitioner where his answers though different from the key answers were found to be correct, because the petitioner was not to be penalised for his answers being not tallying with the key answers when the questions were ambiguous as they suggested more than one correct answer. In holdingso, the Division Bench of the Calcutta High Court relied on the decision of the Supreme Court in Abhijit Sen''s case (2 supra) stating as follows:-

" It has also been observed by the Supreme Court in the case of Abhijit Sen vs. State of U.P. (2 supra) that where the questions are tricky being set by the paper setters i.e., the question suggests more than one correct answer and one correct answer has been suggested by the examinee, the examinee is entitled to get the mark allotted for such question and there will be no negative marking for the examinee''s answer not tallying with the key answer."

The observation of the Supreme Court in Abhijit Sen''s case (2 supra) is as follows:-

"Now the question set by the paper-setter makes no reference whatsoever to any range with reference to which the candidate is called upon to give his answer to the question and in the absence of any reference to the range according to the aforesaid passages Alternative No. 4 would be the correct answer and not Alternative No. 3 which had been supplied as ''Key-answer'' by the paper-setter. In our view it is a case of tricky question being set by the paper-setter where one of the essential aspects namely, the range has not been indicated anywhere in the question. Placed in that situation the appellant Kumari Sunita Khare was right when she ticked Alternative No. 4 as being the correct answer to the question set."

13. Another Division Bench of this Court considered the matter recently (Judgment dated 10-10-1991) in S.S. Sudhakar, Minor, rep. by his natural father

and guardian, Mr. S. Nagabhushana Rao and Others Vs. The Convenor, EAMCET, J.N.T.U. and Another, . That was in a batch of Writ Petitions preferred by some of the candidates who appeared for the entrance test for admission into Medical and Enginering colleges in the State held in June, 1991. They questioned the key answers to some of the questions in the said test. After referring to the Judgment of the Supreme Court in Satnir Gupta''s case (1 supra) the Division Bench summarised the statement of law laid by the Supreme Court as follows :-

" The learned Judges held in the said judgment that if it is a case of doubt, the answers found in the key should prevail, but if the matter is found to be beyond the realm of doubt, that means to say, that the answer found in the key is demonstrably to be wrong, then alone the case of the students should be accepted. Merely because on the same set of facts the Court comes to a different conclusion than the one arrived at by the authority, the decision of the authority cannot be termed as unreasonable. In order to characterize a decision as unreasonable, a finding must be recorded that it was so unreasonable that no reasonable authority could ever have come to it. In such a case, again, I think the Court can interfere. The power of the Court to interfere in each case is not that of an appellate authority So override a decision of the local authority, but is that of a judicial authority. (Held by Lord Green M.R.) (1947 (2) All ELR 680)."

Applying the said principles as culled out by it from the said decision of the Supreme Court, the Division Bench rejected the contention of candidates in respect of one of the questions holding as follows :-

" Even if by a process of reasoning and inference, it could be started that ''Conductance'' also could be treated as correct answer, in view of the settled legal position as to the scope for interference in matter like this, we cannot hold that the contention of the learned counsel for the petitioners is well founded and that the answer found in the key is demonstrably wrong or unreasonable."

The Division Bench rejected references to certain text books and also the third party affidavit by a retired Professor of Physics to the effect that " ''Conductance'' can be considered as correct answer. It any candidates writes this answer, he shall be awarded marks." While delaing with the answers to another question, the Division Bench held:

" We cannot enter into a discussion as to which of the two views is correct. The fact remains that no authority was placed before us by the learned counsel for the petitioner that the key answer is palpably wrong."

While dealing with the answers to yet another question, the Division Bench observed:

" It is not shown that the answer found in the key is demonstrably wrong. When there are two conflicting versions in two different text-books we cannot sit in Judgment as to which one of them is correct in the absence of authentic evidence that one of the two is demonstrably wrong. We, therefore, are not inclined to

uphold the contention advanced by the learned counsel for the petitioner."

After considering each one of the questions in respect of which the key answers to the said questions were questioned, the Division Bench was not inclined to hold that in respect of any of the said questions, the key answers were shown to be demonstrably wrong and therefore dismissed the Writ Petitions, However, this Court, observed that non-prescription of text books for Intermediate course and for the EAMCET test resulted in a very chaotic situation. This Court observed as follows :-

" Rule 4 of the A.P. Engineering and Medical Common Entrance Test Rules, 1985 says that the standard of the test shall be Intermediate examination conducted by the Board of Intermediate Education established by the Government of Andhra Pradesh in the respective subjects. As there are no prescribed text-books for Intermediate course, the students appearing for the EAMCET, like those who appeared for the Intermediate examination, are following the text-books suggested by their lecturers. This situation is leading to considerable confusion and inconvenience; no information is readily available as to what is the correct answer for any question. This unfortunate situation could have been avoided if only the Board of Intermediate Education had prescribed text-books for the Intermediate examination and those text-books will necessarily be treated as standard text-books for the EAMCET examination..... We, therefore, direct that with effect from the academic year 1992-93, the State Government shall direct the A.P. Board of Intermediate Education to prescribe textbooks for the Intermediate course and the classes in the Intermediate course anywhere in the State shall not commence unless the text-books are prescribed."

The petitioners placed before me a communication of the Board of Intermediate Education, Andhra Pradesh in Rc.No. 119/E2-2/92 dated 11-6-1992 informing all the Principals of Junior/Degree Colleges of the various text books that were commended for the study of the two year Intermediate course for I & II years in English medium for the academic year 1992-93 only. The text books in the subjects of Physics, Chemistry, Botany and Zoology are as follows :-

& "PHYSICS: (1) Intermediate K. Shankara Rao M/s. S.Chand & Physics E.V.Subba Rao. Company, New Volume I & II D.V. Ramana Murthy. Delhi. (2) A Text Book of R. Chalapathi Rao. M/s. Maruthi Physics I Year R. Hymathi. Publishing A Text Book of House, Guntur. Physics II year. CHEMISTRY: (1) A Text Book of Gupta, Sharma M/s. Vikram Book Chemistry for Nageswara Rao. Links, Guntur. Jr. & Sr. Inter. (2) A Text Book of Jagannada Rao M/s. Vignan Chemistry for and Tulsidas. Publishers. I & II Years. Guntur. BOTANY: (1) A Text Book of A.S. Krishna M/S.Vikram Book Botany for S.R.K. Prasad. Links, Vijayawada. I&IL (2) Vijay''s Text Dr. T.S. Rama Rao. M/s.Vijaya Book of Botany Enterprises, Junior Intermediate. Hyderabad. ZOOLOGY: (1) A Text Book of B.V. Seetarama M/s. Vikram Book Zoology, Swamy Links, Vijayawada. Volume I & II. Dr. K. Kotaiah Dr. J.A. Prasad. (2) Intermediate K. Savithir Ray M/s. S. Chand & Co. Zoology, R.R.Patwari New Delhi. Volume I & II. C.

Anjaneyulu. 14. The contention of the petitioners that Sub-rule (11) of Rule 5 of the Rules is liable to be struck down was not seriously pressed by their learned counsel in view of the accommodative stand taken by the learned counsel for the 1st respondent-Convener in producing the answer scripts for verification by the petitioners and in furnishing the key answers. However, he contends that the said sub-rule cannot prevent this Court from requiring the 1st respondent from producing the answer scripts in exercise of its powers under Article 226 of the Constitution. The learned counsel for the 1st respondent resists contending that in view of the statutory rule i.e., Sub-rule (11) of Rule 5, this Court cannot enquire into the correctness of key answers because that would in effect mean revaluation of the answer scripts. I am of the view that the learned counsel for the 1st respondent is not right. It is one thing to say that the Rule is valid, but another thing to say that this Court in exercise of its jurisdiction under Article 226 of the Constitution of India cannot call for the answer scripts and enquire into the key answers when in the view of this Court the facts and circumstances of a case warrant the same. In Maharashtra State Board of Secondary and Higher Secondary Education and Another Vs. Paritosh Bhupeshkumar Sheth and Others, . a two Judges Bench of the Supreme Court only enquired into the validity of Regulation 104 made by the Maharashtra State Board in exercise of its powers u/s 36 of the Maharashtra Secondary and Higher Secondary Education Boards Act, 1965 which provided that "no revaluation of the answer-book or supplements shall be done" and mat "no candidate shall claim, or be entitled to revaluation of his answers or disclosure or inspection of the answer-books or other documents as these are treated by the Divisional Board as most confidential". However, the said Regulation provided that a candidate may apply for verification of marks in any particular subject and that the verification would be restricted to checking whether all the answers had been examined, and that there had been no mistake in the totalling of marks for each question in that subject and transferring marks correctly on the first cover page of the answer-book, and whether the supplements attached to the answer book mentioned by the candidate are intact. The Supreme Court held that the said Regulation was not unreasonable and reversed the decision of the Division Bench of the Bombay High Court, The Supreme Court observed as follows:-

" We are unable to agree with the further reason stated by the High Court that since ''every students has a right to received fair play in examination and get appropriate marks matching his performance'' it will be a denial of the right to such fair play if mere is to be a prohibition on the right to demand revaluation and unless a right to revaluation is recognised and permitted there is an infringement of rules of fair play. What constituted fair play depends upon the facts and circumstances relating to each particular given situation. If it is found that every possible precaution has been taken and all necessary safeguards provided to ensure that the answer books inclusive of supplements are kept in safe custody so as to eliminate the danger of their being tampered with and that the evaluation is done by the examiners applying uniform standards with checks

and crosschecks at different stages and that measures for detection of malpractice etc., have also been effectively adopted, in such cases it will not be correct on the part of the Courts to strike down the provision prohibiting revaluation on the ground that it violates the rules of fair play.

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.....The resultant legal position emerging from the High Court Judgment is that every candidate who has appeared for any such examination and who is dissatisfied with his results would, as an inherent part of his right to ''fair play'' be entitled to demand a disclosure and personal inspection of his answer scripts and would have a further right to ask for revaluation of his answer papers. The inevitable consequence would be that there will be no certainty at all regarding the results of competitive examination for an indefinite period of time until all such requests have been complied with and the results of the verification and revaluation have been brought into account.....It will be wholly wrong for the court to make a pedantic and purely idealistic approach to the problems of this nature, isolated from the actual realities and grass root problems involved in the working of the system and unmindful of the consequences which would emanate if a purely idealistic view as opposed to a pragmatic one were to be propounded. It is equally important that the Court should also, as far as possible, avoid any decision or interpretation of a statutory provision, rule or bye-law which would bring about the result of rendering the system unworkable in practice."

15. In the present Writ Petitions, the petitioners are not seeking revaluation of the answer scripts. The system of examination adopted for EAMCET does not really involve assessment of the answers given by the candidates because the pattern of question papers adopted is of objective type consisting of two parts-one of multiple choice and the other of filling up the blanks. The examiner does not have any discretion in the valuation of the answer scripts because he is bound by the key answers furnished to him. Even if the examiner finds that the key answer is incorrect or wrong or that the answer given by the candidate is correct, he has no option but to go by the key answer. In this type of examination, therefore, the correctness of the key answer is of crucial importance. These examinations are of utmost importance to the candidates. Their professional career and future may virtually depend on one or two marks i.e., in getting a seat in a medical or engineering college and if it is an engineering college, the particular branch in engineering. Experience gained till now also establishes that key answers are some times found wrong. It is under these circumstances that the various High Courts and the Supreme Court permitted the candidates to enquire into the correctness of the key answers. I am of the view that merely because a statutory rule is framed to the effect that request for retotalling or revaluation shall not be entertained, this Court''s jurisdiction under Article 226 is not ousted and that it can enquire into the correctness of the key answers or of the answers of the petitioners which are at

variance with the key answers if the facts warrant such an enquiry.

16. I am supported in this view by a decision of the Division Bench of the Madhya Pradesh High Court in Anurag Mishra Vs. State of Madhya Pradesh, . In that case, the Madhya Pradesh High Court rejected the contention on behalf of the State that in view of Rule 2.16 which made the key answer binding and final, the jurisdiction of the Court to enquire into the correctness of the key answer under Article 226 was barred. It was also contended in that case that the Rules provided that after the examination was over and before the valuation commenced, the "Expert Committee" examined each of the questions and it decided whether the answer proposed by the setter was correct and also decided whether none of the four alternative suggested (in a multiple choice question) was correct or there were more than one correct answer out of the four alternatives and that if in any manner, any question was found faulty on any score that question was cancelled and each candidate was awarded marks for that question. The Madhya Pradesh High Court held as follows :-

".....We do not think if (that) our jurisdiction to deal with the controversy is barred by these Rules.

Kanpur University and Others Vs. Samir Gupta and Others, , holding according to us, rebuffs effectively Shri Roman''s contention based on the Rules aforesaid. Writ Court''s jurisdiction under Article 226 of the Constitution is independently exercisable and that is not affected by any of the Rules .... Indeed, if the Expert Committee does not discharge its duty contemplated under Rule 2.3 or acts arbitrarily while doing so, this Court can competently examine that question. Again, when any particular candidate whose result it affected by wrong key answer approaches this Court, then also, this Court would possess the jurisdiction to screen the key-answer. Merley because the complaint is by a single candidate and it is not known if the wrong key-answer has actually affected the result of other candidates also, this Court would not be justified in refusing to exercise its jurisdiction to examine the complaint which is relatable to Article 14 of the Constitution.... Equality, described is ''antithetic to arbitrariness'' which it follows that any administrative decision cannot be based on the whim or caprice of the maker. And, as indeed is held in Khudiram Das Vs. The State of West Bengal and Others, under our Republican Constitution, there is nothing like an unreviewable discretion. If it is found that the key answer falls foul of the judicial test that ''no reasonable body of men well-versed in the particular subject would regard it as correct'', it becomes this Court''s duty to declare it so and for that the complaint made even by single candidate would give this Writ Court jurisdiction to do so."

That was also a case of pre-medica! test organised by Professional Examination Board, Madhya Pradesh in 1991.

17. A Division Bench of the Himachal Pradesh High Court has gone a little further in Shri Asheesh Sharma and Another Vs. Himachal Pradesh University, Shimla

and Others, . It was dealing with the admission to the M.B.B.S. course on the basis of a competitive examination conducted by the Himachal Pradesh University. The question papers were of objective -multiple choice - type. The marking of the questions was on the basis of ''key answers'' which were not published. The petitioners in that case contended that some of the key answers were patently erroneous and that non-disclosure of key answers was arbitrary. The Ordiance of the University and the note in the prospectus for the said pre-medical test provided that there would be no re-evaluation and the petitioners questioned the same. On this the Himachal Pradesh High Court held as follows:-

"The provision in Ordinance 6.70 (f) and the Note in the Prospectus that there will be no re-evaluation in the case of P.M.T examination is, to our mind, fully justified as the nature of the examination is such that a re-evaluation of the answer-sheets at the request of the candidates would involve the University in stupendous effort and would lead to considerable delay in the finalisation of the list of the candidates entitled to be admitted to the Graduate (M.B.B.S.) Course. The delay should be avoided because the delay in the finalisation of the list would, of necessity, delay the commencement of the studies in a professional course. Mere so, when we know of no accepted principle of natural justice which may necessitate the granting of the right to ask for re-evaluation to the examinees, who are dissatisfied with the result of the examination."

However, the Himachal Pradesh High Court held as follows as regards permitting rechecking:-

" Re-checking, in the sense of finding out in a particular case, whether all the answers given by a candidate have been assigned marks or for discovering whether there has been any error in totalling of the marks is not a process which may consume lot of time or result in unusual delay in the declaration of the final result. The University can think about setting a time limit within which a request for re-checking in this sense may be prayed for by a candidate. We may observe that the error of this nature can creep in inspite of all reasonable efforts on the part of the University to avoid its occurrence. After all, the progress is in human hands, which may sometimes falter. The University may consider this aspect in its future P.M.T. Tests."

On the question of disclosure of key answers, relying on Samir Gupta''s case (1 supra), the Himachal Pradesh High Court held as follows:-

"The grievance that the absence of provision for disclosure of the Key answers is unreasonable, for, it leaves the examinees in a State of utter helplessness and deprives them of an opportunity of even knowing whether the key answers with reference to which their answers are checked by the evaluators are patently erroneous or not seems to be justified. Thus it may be as asserted by the University in its return, that the key answers, furnished by the paper setters, who are eminent teachers in the subject concerned are further subjected to moderation by three eminent teachers in the subject and a certificate obtained

from them that they had checked the key answers furnished by the paper setters and ascertained their correctness.....

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We feel that fairness demands that the key answers should also be published along with the result of the Test. If any answer is clearly demonstrated to be wrong in the sense that no reasonable body of men well versed in the particular subject would regard it as correct, appropriate measures in that respect should be taken by the University. If the attention of the University is drawn to a defect of this nature in a key answer or to any ambiguity to the question set in the examination, prompt and timely decision must be taken by the University to declare that the suspected question will be excluded from the paper and no marks assigned to it, as was said by the Supreme Court in Kanpur University''s case."

18. It is therefore, too late in the day for the learned counsel for the 1st respondent-Convener to contend that this Court cannot enquire into the correctness of the key answers and that of the answers of the candidates and other related matters like whether the questions are ambiguous or trickly or capable of more answers than one, etc.

19. Ths 1st petitioner (Petitioner in Writ Petition No. 9063 of 1992) contends that in respect of some questions of the ''filling up of blanks type/ she answered correctly but must have been wrongly valued depriving her of about 10 marks. However, she specifically mentioned only 6 questions of that type and 2 questions of the ''multiple choice'' type, all in the Biology paper. The contentions in respect of each of the questions will have to be considered now.

20. In respect of one of the fill up blank questions i.e., question No. 10 relating to Acetylcholine, there is no controversy because the learned counsel for the 1st respondent-convener states that the petitioner was given a mark for this question as the answer given by her tallied with the key answer.

21. Question No. 5 of the multiple choice type is as follows :-

" 5. One of the following has greatest number of Chromosomes :

(a) Taenia Solium

(b) Columba Livia

(c) Homo Sapiens

(d) Paramecium caudatum."

The 1st petitioner''s father who has given the affidavit in support of the Writ Petition, states that the correct answer is not ''Columba Livia'' which is the key answer. He states that the highest number of Chromosomes is seen in ''Paramecium,'' the number being 680, and that that is the correct answer. He states that the number of Chromosomes in ''Columba Livia'' is only 80. In the

reply affidavit he states that the 1st petitioner ticked the word ''Paramecium'' as correct answer. The 1st respondent in his counter affidavit states that the key answer is the correct one. It is to be noticed that the contention on behalf of the petitioner proceeds on the basis that the question refers to ''Paramecium''. A look at the question shows that (d) is ''Paramecium caudatum'' and not ''Paramecium''. On behalf of the petitioner, three third party affidavits are filed. One is that of Sri Koneru Rama Mohana Rao, who states that he is working as Lecturer in Zoology since 15 years. Another is of Sri. M.K. Durga Prasad, who states that he is working as Professor of Zoology in Nagarjuna Univerity. So far as the present question is concerned, these two affidavits repeat the same version word to word. They state that Paramecium Caudatum has two types of nuclei viz., micronucleus and macro-nucleus and that micro-nucleus is diploid and macro-nucleus is polyploid and that the normal diploid number of Chromosomes in Paramecium caudatum''s micro-nucleus is 36 and that the number of Chromosomes in the macro-nuleus is many times more than the diploid number of 36 and that number could be as big as 860 ploid. They state that in order to avoid ambiguity the question ought to have been "the normal/ diploid number chromosomes is the highest in.....''. The 3rd affidavit is of Sri E.S.R.K. Prasad, who states that he is an M.Sc. in Zoology (1st Class) from Andhra University and he worked as Lecturer in Zoology in Loyola College at Vijayawada for about 27. years. It is significant that he states that for every organism the number of Chromosomes is specific. He states that in man (homosapiens) every cell has 46 Chromosomes and that in the ceils of Columba Lavia (Pigeon) 80 Chromosomes occur. He states that in Paramecium there are two kinds of nuclei (a) Micronucleus and (b) Macronucleus and that the Micronucleus has 2n diploid number of Chromosomes and whereas the Macronucleus of Paramecium has many sets of Chromosomes. He virtually repeated what the other two say. At page 318 of Volume II of Vikram''s (A Text Book of Senior Intermediate Zoology) which is one of the books prescribed for Intermediate, as already stated above, the diploid number of Chromosomes in different animals is given as follows :-

Paramecium aurelia 30 Columba livia (Pigeon) 80 Homo sapiens (Man) 46 From this it follows that it is the diploid number of Chromosomes that is relevant. That is the normal number that is referred to. If any authority is required, reference can be made to "Cell and Molecular Biology" (Seventh Edition) by E.D.P. DeRobertis and E.M.F. DeRobertis, page 24 in which a table of diploid (2n) number of Chromosomes in some plants and animals is given. Also "Protozoology" by Richard R. Kudo (5th end) at pages 203 to 205 gives that number of Chromosomes of different protozoa: the number in Paramecium Caudatum is ''about 36''. Even the authorities on behalf of the petitioner uniformly state that the diploid number of Chromosomes in Paramecium caudatum is 36 : when Sri E.S.R.K. Prasad states that "for every organism the number of Chromosomes is specific", he is referring to the diploid number. In fact, the basic number is called ''haploid'' which is usually referred to as the

variable ''n''. 2n gives the diploid number. Ploypoid can be 3n, 4n or any other multiple of n. Therefore, I am of the view that the petitioner has not established that the key answer is demonstrably wrong.

22. The next question is question No. 10 of the multiple choice type. It is as follows :-

" 10. Complete Holoblastic cleavage occurs in.....

(A) Alecithal eggs

(B) Megalecithal eggs

(C) Telolecithal eggs

(D) Blastula stage"

It is stated on behalf of the petitioner that she filled up the blank with the word ''Telolecithal eggs.'' The key answer is ''Alecithal eggs". On behalf of the petitioner, it is submitted that as per the various books on the subject both are correct and that in view of the key answer the valuer could not give any mark to the answer given by the petitioner. It is stated that the egg of frog is telolecithal and that the type of cleavage as per the prescribed text books and all other books is complete in the case of that egg. In the third party affidavit of Sri M.K.Durga Prasad., Professor of Zoology at Nagarjuna Univeristy, it is stated that to his knowledge, there are no ''Alecithal eggs in the animal world at all because the term ''Alecithal'' means ''without yolk'' and because no known eggs are completely without yolk. He states that therefore in the strict scientific sense there are no true Alecithal eggs at all. He further states that in the case of Telolecithal eggs the cleavage is complete and therefore Holoblastic. Holoblastic (holos = entire; blasto = germ) denotes the involvement of the entire egg in cleavage. It may be that the cleavage may be unequal. But that is not relevant because the question only refers to complete cleavage and not equal cleavage. At page 150 of Volume-II of Vikram''s "A Text Book of Senior Intermediate Zoology", (7th ed.) it is stated that the eggs of frog are described as Telolecithal type and that fertilization is external and that the fertilized eggs are called Zygotes. At page 153 of the same book, it is stated under the heading ''Cleavage'' that about 21 /2 hours after fertilization, the egg starts undergoing cleavage and that the cleavage is holoblastic and unequal. The same thing is repeated at page 157 in the first para of the summary as follows:-

" 1. The fertilized egg undergoes cleavage and develops into morula and then into a hollow ball of cells called blastula. The cleavage is hololastic and unequal."

In the Text Book of Zoology (1990) Volume-II authored by Smt K. Savitri Roy, Sri R.R.Patwari and G. Anjaneyulu and published by S. Chand & Company Ltd., New Delhi, which is also a prescribed text book for Intermediate, it is stated at page 174 as follows:-

"The area having yolk is white in colour and is called the vegetative pole. The

other half containing cytoplasm with figment is black. This is the animal pole. Such an egg with the yolk on one side is called a telolecithal egg. Because of considerable amount of yolk is present, it is also called mesolecithal. The eggs of eutherian mammals have small quantity of yolk and hence described as microlecithal."

At pages 175 and 176 it is stated as follows :-

" Segmentation or deavage : The fertilised egg begins to divide in a few hours after fertilisation. A vertical furrow extending from the animal pole down to the vegetative pole, appears and divides the egg completely into two equal cells known as blastomeres. The next division also takes place in the vertical plane but at right angles to the first division, resulting in the formation of four blastomeres.....The third division occurs in the horizontal plane, slightly above the equator. As a result of the third division, four upper small pigmented blastomeres and four lower large white yolk filled blastomeres are formed. The upper small blastomeres are micromeres and lower larger ones are the megameres. We find that all the divisions mentioned above divide the fertilized egg completely and not a part of it. Such a type of cleavage is described as holoblastic cleavage."

The affidavit of Sri. P. Chandra Mohan, who states that he is Professor in Zoology in the Andhra University is filed on behalf of the 1st respondent. He states that the correct and most appropriate and accurate answer for the question is ''Alecithal eggs'' and that Telolecithal Eggs'' is not correct, accurate and appropriate. He states that the fundamental difference between Alecithal Eggs and Teloecithal Eggs are:

" (i) In the former, the Egg divides completely into small units (multiples) into 2, 4, 8, 16, etc., (like multiples), whereas in the latter, the division is not complete and the units can not be separated,

(ii) The Yolk or nutritive substance in the egg is relatively and equally distributed in the former, whereas in the latter, the Yolk is greater in quantity and concentrated in the lower half of the egg. So the answer mentioned in the key is most accurate and appropriate. (For authority page 292 of the Text Book with title "Comparitive Embryology of the Vertebrates" written by C.E. Nelson of McGraw-Hill Company, New York/London). For these reasons the answer written by the candidate could not be accepted."

It is not appropriate to refer to the said text book entitled ''Comparitive Embryology of the Vertebrates'' written by O.E. Nelson because that book is not prescribed for the Intermediate students. Even otherwise, that book does not support the 1st respondent. At page 288 two main types of cleavages are mentioned:

"(a) holoblastic

(b) meroblastic"

The author clarifies as follows:-

" Under more careful scrutiny, three main categories of cleavage types appear with typical holoblastic cleavage occupying one extreme and typical meroblastic cleavage the other, while between these two are many examples of a typical or transitional cleavage types..... Holoblastic cleavage is characterized by the fact that the cleavage furrows bisect the entire egg. In meroblastic cleavage, on the other hand, the disc of protoplasm at the animal pole only is affected, and the cleavage furrows cut through this disc superficially or almost entirely....."

The author gives two instances of typical holoblastic cleavage: one in the case of Amphioxus; the other is in the case of Frog, in the following manner:

" The egg of the frog is telolecithal with a much larger quantity of yolk than is found in the egg of Amphioxus. The pattern of cleavage in the frog, therefore, is somewhat less ideally holoblastic than that of Amphioxus."

Thus the author states that in the case of telolecithal eggs also the cleavage is typical holoblastic cleavage. There is no reference at all to alecithal eggs. At page 156 the author refers to two types of Chordate Eggs: "

(a) Homolecithal (Isolecithal) eggs,

(b) Telolecithal eggs."

Some embryologists have described microlecithal eggs (i.e., containing small amount of yoke) as alecithal eggs or oligolecithal eggs. Amphioxus egg is given as an example of these (Page 47 of ''Chordate Embryology'' by P.S. Verma and others, 7th edition). Therefore, it is obvious that the said text written by O.E.Nelsen does not support the case of the 1st respondent that the correct answer to the 10th question is not Telolecithal eggs. I am therefore of the view that the petitioner should be given the mark for this question if she has answered it as Telolecithal eggs.

23. The petitioner disputes the key answer to question No. 7 in the fill in the blanks section. Question No. 7 is as follows:-

" 7. Breakdown of Carbohydrates during respiration is called_____ "

The key answer is given as ''Glycolysis''. The petitioner''s answer is ''Catabolism''. She was not given a mark. On behalf of the petitioner, in the reply affidavit, it is stated that Glycolysis is only in the process of break down of Carbohydrates and that the breakdown of Carbohydrates during respiration occurs at different levels and that in the first level it is known as Glycolysis which is only a part of the process of break down of glucose and not the entire process. It is stated that after Glycolysis the product of Glycolysis namely Pyruvic acid further breaks down to CO2 and H2O in two other processes. It is contended that the end process is known as Catabolism and that therefore that is the correct answer. In support of this, the 3rd party affidavit of Sri. M.K.Durga Prasad, Professor of Zoology at Nagarjuna University, is filed. He also states that the phase of

breakdown from glucose state to Pyruvic acid state is called Glycolysis and that in the entire process of break down of Carbohydrates during respiration Glycolysis is only a part and it is absurd to equate Glycolysis with the entire process of break down of Carbohydrates. He states that the entire process is called Catabolism. It has to be noted that the question relates only to the break down of Carbohydrates during respiration. After the first step, the Carbohydrates cease to exist because it breaks down to Pyruvic acid which is not a Carbohydrate. It is not disputed that the break down of Carbohydrate into Pyruvic acid during respiration is called Glycolysis. The key answer therefore is the correct one. There is no other name for this particular process. Catabolism may include this process also. But it takes in so many other reactions which are not confined to the stage of respiration. Therefore, Catabolism cannot be the correct answer.

24. The key answer to question No. 8 which is also fill in the blank type, is also disputed by the petitioner. This question is as follows:-

" 8. The right auricle in frog receives_____blood."

The key answer is ''impure blood''. The petitioner''s answer is ''mixed blood''. Affidavitof Sri Rallapalli Rama Murthy, Professor in Zoology in Sri Venkateswara University, if filed on behalf of the Convener. The Professor states that the Convener has referred the question paper in Biology subject and the key answers to the questions therein for his opinion as to whether the questions in the said paper relating to Zoology subject are vague and ambiguous and whether the answers mentioned in the key are correct and appropriate. He states that the key answer to question No. 8 is impure/venous/deoxygenated. He states generally that all the questions are clear and precise and that they are not ambiguous and vague and that the key answers are most correct and appropriate. He does not clarify or give any reasons or refer to any text books or authorities in support of his assertion. Sri P. Chandra Mohan, Professor in Zoology in Andhra University, states in his affidavit in support of the Convener that the word ''mixed'' is not at all the correct answer. He states that the left auricle receives pure and oxygenated blood from the lungs and that the right auricle receives impure, venous and deoxygenated blood from different parts of the body for purification and that mixing- of bloods will not occur in the auricle at all, and that pure and impure blood will mix in another part of the heart of the frog i.e., Ventricle. On the other hand, Sri M.K. Durga Prasad, Professor in Zoology at Nagarjuna University, giving his affidavit on behalf of the 1st petitioner, states that it is common knowledge that the blood from skin of the frog is received by the right auricle and that therefore it is more oxygenated than the blood in the left auricle which is received from the lungs, at certain times. He further states that, as the right auricle receives more oxygenated blood from the skin and deoxygenated blood from the body parts, it is correct to refer to is as mixed blood and not impure or deoxygenated or venus blood. He also states that there is nothing like completely pure blood and competely impure blood in frog.

He refers to Prosser''s book on Physiology in support. Sri. E.S.R.K. Prasad, who worked as a Lecturer in Zoology in Loyola college for about 27 years, also states that the right auricle of frog receives blood partly from the body parts which is impure and partly from skin which is pure oxygenated blood) and therefore the mixture of the two is ''mixed blood''. He states that the skin of frog is considered the chief respiratory organ whereas lungs of the frog are not so considered. He states that he wrote a book for Intermediate students (published by Murthi Book Depot) and that therein also he stated as follows:-

"Blood in the right auricle is of a mixed nature because it receives oxygenated blood from skin and deoxygenated from other parts. The concept of pure blood reaching the left auricle from the lungs cannot be said to be right as lungs in frog are not efficient organs of respiration and during times of hibernation skin is the sole respiratory organ."

Though his book is not a prescribed text book, a reference to prescribed text books also supports his view. In ''A Text Book of Senior Intermediate Zoology'' by Dr. K. Kotaiah, Dr. J.A. Prasad, B.V. Seetharama Swamy and E.Chakrapani, which is a prescribed text book, at page 103 it is stated as follows:-

" The blood entering into the sinus venosus is mixed blood because it contains the blood returing from skin and buccopharyngeal cavities which are the respiratory organs. So the blood entering the right auricle is the mixed blood but not impure."

This is also supported by what is stated in the other prescribed text book by K. Savitri Roy, R.R. Patwari and G. Anjaneyulu (published by S. Chand & Company Ltd., New Delhi) at page 88 which is as follows:-

" We have seen that lungs are not efficient organs of respiration and the frog can live even when the lungs are made not to function. It''s oxygen requirements are met by cutaneous respiration and so the cutaneous vein only contains pure blood and not the pulmonary vein. But the cutaneous vein drains the blood finally into the sinus venosus where it gets mixed up with impure blood so there is no pure blood at all, either in the pulmonary vein or in the heart."

In the Zoology Text Book in Telugu published by the Telugu Academy, which is prescribed by the Board of Intermediate Education also, it is stated that blood in the right auricle is mixed blood because it contains the oxygenated blood returning from skin which get mixed with the other impure blood. In view of this material supporting the petitioner, it cannot be said that her answer is wrong. On the other hand, the key answer deoxygenated blood is shown to be demonstrably wrong because the blood going to the right auricle also contains oxygenated blood from skin and buccopharyngeal cavities which is not deoxygenated blood. The key answer ''impure blood'' has no significance because blood in no part of the frog''s heart is pure in the sense that it is totally oxygenated. Therefore, the petitioner should be given a mark for her answer to this question.

25. The next question is question No. 19 which is as follows:-

" 19 The process of photophosphorylation occurs within the_____".

The petitioner''s answer is ''Chloroplasts''. The key answer is Grana/Thylakoids. From the prescribed text book of Botany (''A Text Book of Botany'', Volume-II by A.S. Krishna and S.R.K.Prasad, published by Vikram Book Links), it is clear that the correct answer is thylacoids or Grana. At pages 167 and 168 in the said text book it is stated :

" Chloroplast is a small, green, dicoid or elliposidal organelle found in the cytoplasm of green plate cells. It is surrounded by a double membrane envelope (lipoproteinaceous) which controls diffusion of molecules into and out of it. Inner to the envelope there are many flattended, membrane-surounded sacs or vesicles called thylacoids (Thylacos=sac or pouch). In certain regions thylacoids are arranged in stacks called grana. Grana are connected with each other by longer thylacoids called Storma thylacoids. The thylacoid membranes contain all the photosynthetic pigments..... Surrounding the thylacoids there is proteinaceous fluid called Storma. It contains most of the enzymes required for dark reactions photosynthesis

.. ..

xxx xxx xx xx

Mechanism of Photosvnthesis:

....

Therefore, the process of photosynthesis is two phased and consists of light phase and dark - phase.....

xxx xxx xxxx xxx

Light Phase:

Light phase is the first phase of photosynthesis. During light phase light is converted into chemical energy (ATP and NADPH). It takes plarp in thylacoids.

xxxxx xxxxxx xxxxx

This process of energy conservation is called the photosynthetic phosphorylation.

Arnon (1954) defined photophosphorylation as the generation of ATP from ADP and pi by isolated and illuminated chloroplast without the assistance of extrachloroplastic material....."

The second phase of photosynthesis i.e., dark phase includes several biochemical reactions which occur in stroma either in presence or absence of light (Page 172). Thus, Chloroplast contains both thylacoids and stroma. Thylacoids arranged in stacks is called grana. The light phase of photosynthesis which involves photosynthetic phosphorylation takes place in thylacojds, whereas the

dark phase takes place in stroma which is photosynthesis fluid surrounding the thylacoids. Therefore, so far as photosynthetic phosphorylation is concerned, it occurs in thylacoids which no doubt are part of Chloroplast. It is obvious that the students are expected to give particularised answer and not a generalised one. If suppose a student has answered by filling up the blank with ''plants'' that also would be a correct answer because chloroplast is part of plants. But that would not be the answer expected of a student. Therefore, I am of the view that the petitioner will not be entitled to a mark for the answer given by her.

26. The next question is question No. 23 which is as follows :-

"23 Chlorosis is caused by the deficiency of_____".

The key answer is "Magnesium/Nitrogen + any other like K, P, Fe, Mn." The petitioner filled up the blank with ''Manganese'' i.e., Mn. In the affidavit of Sri. Pamiganti Narasimha Rao, Professor in Botany in the Andhra University, filed on behalf of the Convener, it is stated as follows:-

" If manganese or Potassium are written, it is incorrect. The key answer is correct and most appropriate. Chlorosis is a symptom cause due to the failure of chlorophyl metabolism. The constituents in Chlorophyl are Nitrogen and Magnesium. Hence the first priority is for deficiency of either Nitrogen of Magnesium. Cholorotic symptoms may surface to a little extent due to deficiency of certain elements such as K,P,Fe, or Mn. As a matter of fact Chlorotic symptoms may appear to a little extent due to climatic and edaphic (soil) factors also. But the most important and most appropriate and main reason is deficiency of Magnesium/Nitrogen."

On behalf of the 1st petitioner it is contended that Chlorosis is caused dute to deficiency of Manganese also and therefore she should be given a mark. But obviously that is not a complete answer. It cannot be disputed that Chlorosis is caused by the deficiency of not only Manganese but also of several other elements. The key answer mentions all such elements. Deficiency in any one of which will cause Chlorosis. Therefore, the key answer is the complete answer and mentioning only Manganese is not a complete answer. In the prescribed text book of Intermeditate Botany by A.S. Krishna and others published by Vikram Book Links also supports the key answer because several elements like Nitrogen, Potassium, Magnesium, Manganese, Iron etc., were mentioned in respect of which one of the deficiency symptom is shown as Chlorosis. On behalf of the petitioner, College Botany, Volume-I by Gangulee, Das & Datta was referred to wherein it is mentioned like this:

"The commonest type of deficiency symptoms are Chlorosis and Necrosis, reduction in the amount of green pigment chlorophyll in the leaf. But chlorosis can occur as a result of deficiency of any one of the several elements such as Fe, Mg, N, Mn and even S."

I am therefore of the view that it cannot be held that the key answer to question

No. 23 in the fill in the blank section of the Biology paper is established as demonstrably wrong.

27. The last question so far as the first petitioner is concerned is question No. 28 in the fill in the blank Section, which is as follows:-

"28. Charles Darwin proposed----------Theory."

In the affidavit in support of the 1st petitioner''s Writ Petition, it is stated that Charles Darwin proposed 4 theories - theory of natural Selection, theory of artificial selection, theory of sexual selection and theory of Pangenesis. It is also submitted on behalf of the petitioner that the question is ambiguous and vague because no indication is given as to which of the four theories propounded by Charles Darwin would be the appropriate answer to the question. They key answer to this question is ''Natural Selection''. In the text books prescribed for the Intermediate course, the theory propounded by Charles Darwin is stated as the theory of natural selection. In "A Text Book of Intermediate Zoology, Volume-II by Dr. K. Kotaiah and others published by Vikram Book Links, at page 280 the following''passage occurs:

"One of the eminent English Naturalist was Charles Darwin (1809-1982). He propounded his theory of Natural selection on June 30th 1858.....his conclusions were notified in his book. "The Origin of Species''. He observed that species are capable of changing and the natural selection is a factor in the transformation of species."

No other theory of Darwin was mentioned. In volume-II of the other text book prescribed i.e., of K. Savitri Roy, R.R. Patwari and G. Anjaneyulu, also the main theory propunded by Darwin is dealt with as the theory of Natural Selection. The other theories like theory of artificial selection, theory of sexual selection, were referred to as subsidiary theories to explain some of the characters found like non-adoptive characters and sex characters. There is no mention of any Pangenesis theory so far as I could find out in this text book also. It may be that Darwin propounded Pangenesis theory also. The key answer refers to the theory proposed by Charles Darwin i.e., the obvious one for which he had become famous and he is remembered even today. Therefore, by omitting to mention that theory, the 1st petitioner cannot claim a mark for the question.

28. The 2nd petitioner (petitioner in Writ Petition No. 9277 of 1992) raises various contentions in respect of 8 questions. All these questions are in the fill in the blanks section. In respect of two questions, there is no dispute because the learned counsel appearing for the Convener has stated that marks were given. They are questions Nos. 5 and 10, in the fill in the blanks section. As regards question No. 8, the 2nd petitioner states that her answer was ''mixed'' which tallies with the key answer. In the reply affidavit this question was not dealt with. Her counsel does not pursue this question. Questions Nos. 19 and 23 were already dealt with above. For the reasons stated earlier, she will not be entitled to any marks for the answers given by her to questions Nos. 19 and 23. The 2nd

petitioner answered question No. 7 by filling in the blank with the word ''Fermentation''. For the reasons given by me while dealing with question No. 7, the 2nd petitioner will not be entitled to any mark for the answer given by her. Two questions remain which have to be dealt with in detail.

29. The 2nd petitioner states that her answer to question No. 4 in fill in the blanks section is the correct one. The said question No. 4 is as follows:-

"4. Dipnoi are----------breathing fishes."

The 2nd petitioner filled in the blank with the answer ''Double''. The key answer is ''Air/Lung/Pulmonary''. The petitioner states that the word ''Dipnoi'' in its strict literal sense means ''double breathing'' and that therefore her answer is also correct. In the third party affidavit of Koneru Rama Mohana Rao, who claims to be Lecturer in Zoology since 16 years, it is stated that "all Text Books describe them as ''Lung Fishes'' and no book used the expressions like Dipnoi are Lung Breathing/Air Breathing/Pulmonary Breathing fishes". Dr. D.V.R.K. Prasad, who also claims to be a Lecturer in Zoology since 29 years, also supports the same view in his third party affidavit. In the prescribed textbooks of Intermediate Zoology by Dr. K. Kotaiah and others (Volume-II pages 24 to 26) Dipnoi are described as Lung fishes. They possess lungs and internal nostrils. They respire with the gills and lungs. In the other prescribed text book of Zoology by K. Saviiri Roy and others (Volume-II, pages 19 and 20) it is stated that Dipnoi have an air bladder or lung which is the main organ of respiration and that an internal nostril is also present. From this, I am satisfied that the key answers are not demonstrably wrong or incorrect. The student is expected to give a clear answer and the correct answer obviously is lung breathing. The student is not expected to merely give the meaning of Dipnoi. In matters like this, the examiners are the proper judges as to what should be the answer. lam therefore not inclined to agree with the learned counsel for the petitioner that the petitioner should be given a mark for this question on the basis that the answer given by the petitioner cannot be said to be incorrect or wrong because Dipnoi itself means double breathing and that Dipnoi are double breathing fishes.

30. The only other question that remains to be considered is question No. 13 in the fill in the blanks section. Question No. 13 is as follows:-

"13. Spirogyra reproduces by means of gametes which are_____".

The petitioner filled up the blank with ''Non-flagellate'', ''Naked''. The key answer is ''Non-motile/Aplanogametes. Sri Panuganti Narasimha Rao, who states that he is working as Professor in Botany subject in the Andhra University, has given an affidavit in support of the Convener. He states that the key answer is correct one. He further states as follows:-

"Gametes are of 2 kinds, motile and non-motile. Which kind of gametes occur in Spirogyra is to be seen. Aplano means non-motile. The candidate is expected to write the answer as non-motile or aplanogametes. Non-flagellae, Naked cannot

be said to be same as non-motile/anlanogametes. Non-motile nature is the primary character of gametes. (Except they show some amoebid movement). Gametes in Spirogyra do not develop Flagellae. Therefore non-flagellate condition is only a secondary character whereas non-motile is primary character. Question of flagellae does not arise unless the gamete is motile."

In the prescribed text book of Botany by A.S. Krishna (Senior Intermediate, pages 14, 15 and 17) it is stated that in Spirogyra sexual reproduction takes place by a process called conjugation and it takes place by conjugation of amoeboid gametes (aplanogametes). It is also stated that in Spirogyra the gametes are non-flagellated and such non-flagellated gametes are called Aplanogametes. I am satisfied that the petitioners have not established that the key answer is not the correct answer. The petitioner''s answer is not a complete answer. In her affidavit in support of the Writ Petition, the petitioner herself states that non-flagellated gametes are also known as Aplanogametes. But the expression ''non-flagellate'' describes only one of the physical conditions or features of Aplanogametes. The petitioner therefore cannot complain for not being given a mark for this question.

Writ petition Nos. 10043, 16145, 16148 and 17521 of 1992:

31. The petitioners in these four Writ Petitions also appeared for the common entrance test EAMCET-1992 and seek admission to medical colleges in the State. They also complain that their answer scripts were not properly corrected and they seek that correct marks should be awarded to them.

32. The Hall ticket number of the petitioner in Writ Petition No. 10043 of 1992 is 163331. She secured 112 marks in the said examination and was assigned 700th rank. She secured 40 marks in Biology, 33 marks in Physics and 39 marks in Chemistry. She complains that in respect of five questions in the fill in the blanks section of the Physics paper, her answers were also correct and yet no marks were given. However, she has given up question No. 21 in the fill in the blanks section of the Physics paper and the learned counsel for the petitioner did not advance any arguments in respect of the said question. I now deal with the remaining four questions.

33. The first question in respect of which this petitioner states that her answer also is correct is question No. 11 which is as follows:-

"11. Infra-red rays are detected using a_____".

The petitioner''s answer is ''sensitive thermometer''. The key answer is ''sensitive thermometer with black quoted bulb''. In the prescribed text book of physics by R. Chalapathi Rao and R. Hymavathi, published by Maruthi Book Depot (Volume-II, page 0-62) it is stated as follows:-

"The infra-red part of the spectrum was first discovered by Herschel. He found that a sensitive thermometer, with blackened bulb, showed a considerable rise in temperature beyond the red end of the spectrum. Thus the infra-red spectrum

was detected by the heating effect it produces.

xxxxxxxxx

The Chief instruments to detect infra-red radiations are sensitive thermometer, thormopile, bolometer etc."

In the other prescribed textbook "Intermediate Physics" by K. Shanker Rao and others, published by S. Chand & Company Ltd., (Volume-II, page 124) it is stated that infra-red rays can be detected by a thermopile. It is obvious from this that a special type of sensitive thermometer i.e., one with blackened bulb, can detect infra-red rays and that the examiners required a complete answer for giving marks for the said question. Sensitive thermometer is not considered as a complete answer. This court cannot interfere with the decision of the examiners when it is clear that the key answer is the accurate answer.

34. The second question in respect of which the key answer is questioned by the petitioner is question No. 20 which is as follows:-

"20. The frequency of the Ka line of a source of atomic number Z is proportional to_____".

The petitioner states that (Z-1)2 is the correct answer. The petitioner filed up the blank with that answer i.e., (Z-1) 2. They key answer is given as Z2 or square of the atomic number or (Z-b) 2. In both the prescribed text books for Physics, the answer for Ka line is not given. Reference is made to Moseley''s law:

"He found that if v is the frequency of the spectral line of the characteristic X-ray spectrum and Z is the atomic no of the element v a Z2 or Vv = a (Z-b)

where a and b are constants for a particular series, but vary from series to series. The above relation is known as Moseley''s law which can be stated as follows:- The frequency of a spectral line in the characteristic X-rays spectrum is directly proportional to the square of the atomic number of the element concerned.

Thus he came to the conclusion that it is the atomic number and not the atomic weight (for mass number) which is the characteristic of an element that determines its properties both physical and chemical."

The same thing is repeated in Volume-H of "Intermediate Physics" by K. Shanker Rao and others (Fifth Edition) at page 319. The learned counsel for the peitioner drew my attention to ''Modern Physics'' by B.L. Theraja published by S. Chand & Company Ltd., (Fifteenth Edition), reprinted in 1992. At page 119 it is stated as follows:-

"Consider the Ka line of the characteristic X-ray spectrum of any element. It is found that higher the atomic number of thr ''arget material, higher is the frequency of the Ka line produce by it. The exact mathematical relationship between frequently and atomic number is given by fa (Z-b)2

or Vfa (z-b) a Vf = a(Z-b)

where 2 is the atomic number of the element and a and b are constants for a particular series but vary from one seies to another i.e., their volumes for K-series are different from those for L-series etc. The constant b is known as nuclear screening constant. For lines of K-series, b=l*. Its value for lines of L-series is more. The above relation is known as Moseley Law for the characteristic or line X-ray spectrum. It may be stated as follows:-Hence, for Ka and KB lines the relation becomes that the frequency is proportional to the square of the atomic number of the element reduced by one.

..fa (Z-1)2 or Vfa (Z-1)

The learned counsel for the petitioner also placed before me Tata Me Graw Hill''s ''A course in Physcis for I.I.T. joint Entrance Examination and other Engineering College Entrance Examinations'' (Fifth Reprint 1992 at page 587). Question No. 23- a multiple choice question - is as follows:

"The frequency of Ka line of a source of atomic number Z is proportional to

(a) Z2 (b) (Z-1) 2 (c) 1/Z (d) Z

The correct answer is given as (Z-1)2 Thus the specific answer for Ka line is (Z-1)2 which is more correct than (Z-b)2 which is not the specific answer for Ka line. I am therefore of the view that the petitioner should be given a mark for her answer to this question, if she answered it as (Z-1) 2.

35. The next question in respect of which the petitioner disputes the key answer is question No. 22 which is as follows:-

"22. An open knife edge of mass M is dropped from a height on a wooden floor. If the blade penetrates s cm into the wood, the average resistance offered by the wood to the blade is_____".

The petitioner''s answer is Mg(h+s)/s. The key answer is Mgh/s. On behalf of the petitioner, it is contended that the petitioner''s answer is a more accurate answer or at any rate, it is also one of the correct answers. The petitioner is aggrieved that no mark is given to her. The learned counsel for the petitioner refers to Schaum''s solved Problems Series in Physics by Alvin Halpern, published by Me Graw-Hill Book Company. The learned counsel relies upon the problem and answer in para 7.48 at page 117 of the said book. The problem is as follows:-

"A rock weighing 20 N (M) falls from a height of 16m (h) and sinks 0.6m (h'') into the ground. From energy considerations, find the average force f between the rock and the ground as the rock sinks."

The formula adopted is f = (mg(h+h'')/h'', g is obviously the gravitational force of earth. The average force f will be the same as the average resistence offered by the ground to the blade in the question on hand. On behalf of the petitioner, the third party affidavit of Sri S. Ekambareswara Rao is filed. He states that he is

a retired Professor and Head of the department of Physics of Hindu College, Guntur and mat he had 33 years of teaching experience in Physics and that he was Ex-Member of the Board of Studies of Physics, Nagarjuna University and Ex-Member of the Subjects Committee of Intermediate Board. He states that the answer given by the candidate is more appropriate and that in this calculation usually s is neglected and the answer becomes mgh/s since s the distance penetrated in the wooden floor is negligibly small when compared to the distance travelled by the knife edge in air. The petitioner also filed some signed statements of a Professor and a Lecturer. The statement of Dr. (Mrs.) V. Seshu Bai, Lecturer in the School of Physics of University of Hyderabad is revealing. She states that the answer to the question is mg (h+s)/s but also adds: "only when s is neglected, which is not justified in all cases, (like for instance, when the wood offers only very little resistance), will the answer become mgh/s. In other words, the answer mgh/s is true only in some special cases where some additional assumptions are made, whereas the answer mg(h+s)/s is always true". She then referred to question No. 19 at page 43 of the book ''Objective Numericals in Physics'' by Dr. D.N. Roy arid J.P. Saha. That question is:

"A 1kg block is dropped on to sand from a height of 1 m and stops after penetrating through 20 cm, what is the average force of resistance offered by the sand?

Ans: 58.8 Newtons."

Dr. Seshu Bai clarifies that the answer to this question is obtained by the formula mg(h+s)/s by filling up the variables as follows:-

"m = 1 kg; g = 9.8 mts/sec. square

h = 1 mtr; s = 0.2 mts.

i.e., 1 x 9.8(l+0.2)/0.2 + 58.8 Newtons."

But the significant fact both in the case of this question and the other question in Schaum''s problems is that the object falls flat; in the first case a block on to sand, and in the other case a rock on to the ground - in both cases the surface of impact is a flat surface of considerable dimension. In the case of the question at issue what comes into contact with the wood is a knife edge i.e., a surface which is very sharp that means which has only length but virtually no width. It may be because of this special case that the examiners have taken the correct answer as Mgh/s. This aspect was not touched upon by the third party affidavits and other material filed on behalf of the petitioner. Therefore, it is not possible for this Court to definitely hold that the key answer is wrong. Therefore, I am not inclined to hold that the petitioner is entitled to a mark for her answer to this question.

36. The last question in respect of which the key answer is questioned by this petitioner is question No. 9 which is as follows:-

"9. The suitability of a magnetic substance for different purposes is determined by its_____".

The petitioner''s answer is ''susceptibility''. The key answer is Tiysteresis curve''. The petitioner states that susceptibility is a more accurate answer or at any rate, it is also one of the correct answers and she is aggrieved that no mark was given for her answer to this question. Both the text books prescribed i.e., Text Book of Physics by R. Chalapathi Rao and R. Hymavathi (Volume-II) and Intermediate Physics by K. Shanker Rao and others (Volume-II) do not deal with hysteresis curves. In Intermediate Physics of K. Shanker Rao and others (Volume-II) (Fifth Edition, page 143) certain expressions are explained. The phenomenon of magnetising a body by using a magnet without actual contact is known as magnetic induction. Soft iron is more readily magnetised compared to steel by magnetic induction. Substances which are easily magnetised are said to have greater susceptibility. Steel retains magnetism even after the magnetising influence is removed. Substances which retain magnetism even after the inductive influence is removed, are said to have greater retentivity. Steel has greater retentivity than soft iron. These text books only deal with diamagnetic, paramagnetic and ferromagnetic substances. Ferromagnetic substances are easily magnetised and have high susceptibility. They also have a very high relative permeability. The suitability of magnetic substances is not deal within these prescribed text books. But hysteresis is dealt with in the text book prescribed for B.Sc, and Engineering students. In ''A Degree Physics, Part V, Electricity and Magnetism'' by C.J. Smith, published by Radha Publishing House, Calcutta, (Third Edition) at pages 372 and 373 under the heading ''Ferromagnetic materials and hysteresis'', it is stated as follows:-

"In other words as far as the previous magnetic treatment is concerned, ferromagnetic materials appear ''to have a memory'', i.e., they exhibit a phenomenon known as hysteresis."

It is also stated that ''retentivity'' is measure of the ability of the substance to retain its state of magnetization when not subjected to adverse treatment, while ''coercivity'' measures the ability to retain that state in spite of adverse treatment. In ''Fundamentals of Magnetism and Electricity'' for B.Sc., and Engineering students by D.N. Vasudeva, published by S. Chand & Company, (Pvt.) Ltd., (Tenth Edition, at page 425) it is stated that soft iron may have greater retentivity than steel, but it has certainly far less coercivity. Hysteresis curves delineate both these properties of the various ferromagnetic substances. At page 426 of the same book, it is stated:

"The shape of hysteresis loop is characteristic of the magnetic material under examination.....and it would be clear that soft iron has far greater retentivity than steel but has far less coercivity; in other words steel retains magnetism, whereas soft iron loses it."

At page 430 under the heading ''Practical importance of hysteresis curves'', it is

stated as follows:-

"But the magnetic properties of iron can be varied very considerably by alloying it with other metals, and the hysteresis curves for them afford valuable information required for the selection of materials for different industrial purposes."

Thus, hysteresis curves determine the suitability of magnetic substances. From ...is it is clear that the key answer is the correct one. Therefore, the petitioner cannot claim a mark for her answer. Susceptibility is only one of the properties of magnetic substances and it is not a complete answer to the question. However, I have a nagging doubt as regards the choice of the question. I am clearly satisfied that the subject of hysteresis curves is beyond the scope of Intermediate course and the syllabus parameters prescribed for the EAMCET. It will deal with this aspect of the matter a little later.

37. Petitioner in Writ Petition No. 16145 of 1992 disputes the key answers to three questions, her hall ticket number is 164923. She secured 40 marks in Biology, 42 in Physics and 31 in Chemistry - a total of 113 marks and her rank is 595. One question is in Biology i.e., question No. 8 in fill in the blanks section. Her answer to the question is ''mixed blood''. I have already dealt with that question and held that the answer ''mixed blood'' is the correct one and not the key answer ''impure blood''. Therefore, this petitioner also should be given a mark for her answer to this question. The other two questions are in the physics paper in the fill in the blanks section. One is question No. 11. The petitioner answered it as ''thermometer''. For that answer, she cannot get a mark. I already held that even the answer ''Sensitive Thermometer'' is not entitled to any mark. The other question is question No. 18 which is as follows:-

"18. In nuclei with A greater than 20, the average binding energy per nucleon is about_____".

The petitioner answered it as 8.7 MeV. The key answer is any value between 7.8 to 8.2 MeV. Both the prescribed text books give the maximum value of binding energy per nucleon as 8.8 MeV. A is the mass number and the graphs in the said text books (Text Book of Physics by R. Chalapathi Rao and R. Hymavathi, First Ediction, page MP 94 and Intermediate Physics by K. Shanker Rao and others, Fifth Edition, page 358) show that the maximum value of binding energy per nucleon of 8.8. MeV is reached in the case of nuclei with mass number more than 20. In ''Nuclear Physics'' by Irving Kaplan (First Indian Edition -1978 at page 219) Fe having the atomic mass of 55.95 is shown as having binding energy per nucleon of 8.79 MeV. At page 223 of the same book, it is stated:

"The binding energy per particle rises sharply, and reaches a maximum value of about 8.8 MeV in the neighbourhood of A = 50. The maximum is quite flat, and the binding energy is still 8.4 MeV at about A = 140. For higher mass numbers, the value decreases to about 7.6 MeV at uranium."

Therefore, the petitioner''s answer is clearly correct and she cannot be denied marks for this question. She has to be given one mark for her answer to this question.

38. In Writ Petition No. 16148 of 1992, the petitioner disputes the key answers to five questions - 4 in Physics and one in Biology, all in the fill in the blanks section. His Hall Ticket number is 162241 and he secured 40 marks in Biology, 36 marks in Physics and 36 marks in Chemistry i.e., in all a total of 112 marks and his rank is 695. He questions they key answer to question No. 8 in Biology. His answer is impure. His answer to question No. 18 in Physics is 8.5 MeV and his answer to question No. 20 in Physics is (Z-1) 2. In view of my findings on these questions, he is entitled to marks for these two questions. His answer is impure. His answer to question No. 9 in Physics is ''susceptibility'' and his answer to question No. 22 in Physics is Mg(h+s)/s. In view of my findings on these questions, the petitioner is not entitled to marks for these two questions.

39. The petitioner in Writ Petition No. 17521 of 1992 secured 40 marks in Biology, 38 marks in Physics and 35 marks in Chemistry i.e., a total of 113 marks and his rank is 603. His Hall Ticket number is 162374. He states that his answers to question No. 9 and question No. 18 in the fill in the blanks section of the Physics paper are ''permeability'' and 8.5 MeV respectively. In view of what I held earlier, the petitioner should be given a mark for his answer to question No. 18 only and not for his answer to question No. 9.

Writ Petition Nos. 16303, 16534, 16540, 16654, 16655 and 16850 of 1992:

40. In respect of these Writ Petitions, the learned counsel for the Convener contends that they should be dismissed on the ground of laches because all these Writ Petitions were filed in December, 1992 long after the results of EAMCET-92 were published i.e., on 13-7-1992. The questions raised in these Writ Petitions are similar to those raised in the other Writ Petition No. 9063 of 1992 and the other Writ Petitions considered earlier. Most of the questions in respect of which the key answers are attacked in these Writ Petitions are the same as in the other Writ Petitions except for 2 questions in Chemistry. They are all admitted in December, 1992 itself. The reason given for not filing these Writ Petitions immediately after the results were published is that the Government was considering increasing the number of seats in the medical colleges and that the petitioners expected to get admitted if there was such an increase. As all these Writ Petitions are finally heard together along with Writ Petitions Nos. 9063 and 9277 of 1992 I am not inclined to dismiss these Writ Petitions on the ground of delay.

41. In Writ Petition No. 16303 of 1992 the Hall Ticket Number of the petitioner is 118517. He secured a total of 114 marks - 36 in Biology, 38 in Physcis and 40 in Chemistry. His rank is 559. The petitioner questions the key answer to question No. 23 in the fill in the blank section of the Biology paper as an instance of injustice and lack of care. He contends that ''Sulphur'' also is a correct answer for

that question and that there is no reason to restrict the answer to key answer only for giving marks to the candidates. I already considered the key answer to this question and I have taken the view that it is not established that the key answer is demonstrably wrong. I also have taken the view that mentioning only one element like ''Manganese'' is not a complete answer. The same thing applies also to mentioning ''Sulphur'' alone. The petitioner has not specifically questioned the key answers to other questions in any of the papers. This Writ Petition has therefore to be dismissed.

42. The Hall Ticket Number of the petitioner in Writ Petition No. 16534 of 1992 is 182254 and her rank is 550. The total number of marks secured by her is 114 - 38 in Biology, 38 in Physics and 38 in Chemistry. She questions the key answers to 5 questions in the fill in the blanks section of the Physics paper and one question in the same section in the Biology paper. The learned counsel for the petitioner has given up questions Nos. 20, 21 in the fill in the blanks section in Physics and question No. 8 in the same section in Biology because it is stated in the counter affidavit filed on behalf of the Convener that the petitioner was given marks for these questions. The petitioner contends that candidates answering question No. 9 in Physics with ''susceptibility'' and ''relative permeability'' should have been given a mark. The key answer to the question is ''hysteresis curve'' and I have taken the view that the key ansswer is the correct one. The petitioner''s answer to question No. 18 in Physics is 8.8 C.V. and not 8.8 MeV. 8.8 C.V. is clearly wrong. She can claim marks for this question only if she answered as 8.8. MeV. Therefore, the petitioner is not entitled to a mark for this question.

43. The petitioner in Writ Petition No. 16540 of 1992 secured 42 marks in Biology, 36 in Physics and 34 in Chemistry i.e., in all 112 marks in the EAMCET-1992 and her rank is 664. Her hall ticket number is 118634. In the Writ Petition, the petitioner refers to several questions in Physics and Biology papers and one question in Chemistry paper and questions the key answers to the said questions. But in the counter affidavit filed by the 1st respondent, it is stated that except in the case of 3 of those questions, the petitioner has been awarded marks. In the reply affidavit filed by the petitioner, she confines herself to those 3 questions only. They are questions Nos. 9 and 18 in the fill in the blank section of the Physics paper and question No. 10 in the multiple choice section of the Biology paper. The petitioner''s answer to the said question No. 10 in the Biology paper is ''Telolecithal eggs''. I have already dealt with this earlier and held that marks should be given for this question if it is answered as ''Telolecithal eggs''.

The petitioner therefore should be given a mark for this question. The petitioner''s answer to question No. 18 in Physics is 8.8 MeV, as per the counter affidavit; it is 8.5 MeV as per the petitioner''s affidavit. In the reply affidavit, the petitioner contends that 8.8 MeV is correct. I already held that this answer is correct. Therefore, the petitioner has to be given one mark for her answer to question No. 18 in Physics. So far as question No. 9 in Physics is concerned, I already held that the key answer ''hysteresis curve''is the correctone. Therefore,

the petitioner cannot claim a mark for her answer which is ''magnetic permeability''.

44. The petitioner in Writ Petition No. 16654 of 1992 secured 39 marks in Biology, 39 marks in Physics and 35 marks in Chemistry i.e., a total of 113 marks and her rank in EAMCET-92 is 622. Her Hall Ticket Number is 153203. The petitioner disputes the key answers to two questions in Physics and one question in Biology all in the fill in the blank section. In Biology the petitioner states in her affidavit that her answer to question No. 8 is ''mixed blood''. But in the counter affidavit, it is stated that she wrote ''impure'' as the answer to question No. 8 and that she was given a mark for the said question. The two questions in Physics are questions Nos. 9 and 18. Her answer to question No. 9 is ''susceptibility''. But I have held that the key answer ''hysteresis curve'' is the correct one. Therefore, she cannot get a mark for that question. Her answer to question No. 18 is 7.7 MeV as per the counter affidavit filed by the 1st respondent. Her contention in the Writ Petition is that any answer between 7.8 to 8.8 MeV is also correct, obviously unaware that her answer to the said question was 7.7 MeV. The petitioner relies on ''Nuclear Physics'' by Irving Kaplan wherein at page 219 binding energies per nucleon of the various elements are given. It is seen that the binding energy of ''thorium and Uranium'' (Th and U) which have ''A'' greater than 20 is 7.62 MeV and 7.58 MeV respectively. The petitioner''s answer therefore cannot be said to be wrong. The petitioner therefore should be given a mark for her answer to this question.

45. In Writ Petition No. 16655 of 1992 the petitioner secured 42 marks in Biology, 37 marks in Physics and 34 marks in Chemistry in EAMCET-1992 and her total marks are 113. Her rank is 577 and her Hall Ticket Number is 152968. She questions the key answer to one question in each of the subjects in an illustrative way. In Physics she questions the key answer to question No. 9 in the fill in the blanks section. She contends that ''hysteresis curve'' is not correct. She also states that the said answer is not given in any of the prescribed text books and that as per the prescribed text books ''Susceptibility'' and ''relative permeability'' are the correct answers. I have already dealt with question No. 9 earlier. In the counter affidavit of the 1st respondent it is stated that the petitioner''s answer is not ''hysteresis curve''. I have already held that the key answer is the correct one. Therefore, the petitioner cannot claim a mark for her answer. In Botany the petitioner questions the key answer to question No. 23 in the fill in the blanks section. She contends that ''Sulphur'' is also the correct answer to the said question. In the counter affidavit of the 1st respondent, it is stated that the petitioner''s answer to the said question is ''Sulphur''. While dealing with this question, I have already held that the key answer is not established as demonstrably wrong. In Chemistry, the petitioner questions they key answer to question No. 18 which is as follows:-

"18. In the synthesis of esters from alcohols concentrated H2SO4 acts as a _____"

The petitioner contends that ''catalyst'' is a more correct answer or at any rate one of the correct answers and that candidates who had written this answer have not been given marks. The key answer is ''dehydrating agent''. In the counter affidavit of the 1st respondent, it is stated that the key answer is the correct one and that ''catalyst'' is neither correct nor more accurate answer and that as the petitioner did not writ the correct answer, she was not given a mark for this question. On behalf of the 1st respondent, the affidavit or Sri U. Murali Krishna, one of the Chief Examiners for Chemistry paper is filed. He states that he is working as Chemistry Professor in Andhra University. He states as follows:-

"Catalyst is not the correct answer nor is it more appropriate answer. Alcohols react with fattyacids to give esters. This reaction involves the formation of water which has to be removed from the sphere of reaction to improve formation of esters. The removal of water is done by a dehydrating agent and Sulphuric acid is one such dehydrating agent and possesses dehydrating property."

On behalf of the petitioner, the third party affidavit of Sri G. Venkateswara Rao is filed. He states that he is working as Lecturer in Chemistry in St. Thomas Junio College in Hyderabad and he is a Post-Graduate in Chemistry and specialised in Organic Chemistry and had a teaching experience of about 21 years both at Intermediate and Graduate level. He states that in esterification carboxylic acid reacts with alcohols to give ester and water and that the reaction is slow but is speeded up by presence of small amounts of inorganic acids as catalysts. He states that concentrated HC1 can also serve the same purpose as H2SO4 but that it has no dehydrating property. He states that in esterfication the primary role of concentrated H2SO4 is catalytic activity and that its dehydrating property is secondary. Therefore, according to him, the more appropriate answer to the question is ''Catalyst''. He refers to three text books of Organic Chemistry. The prescribed text books do not give a clear answer. A Catalyst is a substance that alters the speed of achemical reaction without itself undergoing a permanent change. A dehydrating agent is one which removes water. At 1page 414 of ''A text Book of Chemistry'' (Volume-II, Vikram series) of P.P. Gupta and others, it is stated that "in presence of acid catalyst ethyl alcohol reacts with organic as well as inorganic acids (except halogen acids) to form the respective esters". At page 431 of the same book, it is stated that "when acetic acid is heated with ethyl alcohol in presence of acid (catalyst) an ester is obtained". At page 450 to the question "what is esterfication?", the answer given is "Alcohols react with carboxylic acids in presence of a little concentrated sulphuric acid or hydrogen chloride to form esters/ The reaction is called esterification". In Vignan''s Chemistry, Volume-II at page 564, it is stated that Acetic acid reacts with ethyl alcohol to form the ester, ethyl acetate in the presence of dilute H2SO4 and at page 587, to the question "what is esterification?", the answer given is "Carboxylic acids react with alcohols in presence of acid to form esters. This reaction is known as esterification. The backward reaction is known as ester hydrolysis". Thus the reaction is a reversible reaction. Reference to advanced text books of Organic Chemistry establishes that even though H2SO4 and HC1

both act as Catalysts in the forward reaction of esterification, the presence of concentrated Sulphuric acid makes a difference because it also acts as a dehydrating agent by removing the molecules of water (H2O) formed in the forward reaction of esterification thus making the reaction irreversable. Therefore, concentrated Sulphuric acid (H2SO4) makes a difference because of its dehydrating property. It is to be noticed that the question does not refer to H2SO4 but refers to concentrated H2SO4. The examiners and moderators therefore cannot be faulted for choosing the key answer to the question as dehydrating agent because it is more appropriate in the context ofconcentrated H2SO4. I am not therefore inclined to interfere with the key answer chosen by the examiners, etc. The petitioner cannot get the markfor her answer ''Catalyst''.

46. The petitioner in Writ Petition No. 16850 of 1992 secured 41 marks in biology, 37 marks in Physics and 35 marks in Chemistry i.e., a total of 113 marks and his rank is 591. His Hall Ticket Number is 119496. The petitioner questions the key answer to question No. 9 in the fill in the blanks section of the Physics paper and contends that ''Susceptibility'' is a more accurate answer or at any rate is one of the correct answers. As per the counter affidavit filed by the 1st respondent, the petitioner''s answer to the question is ''Magnetism''. As already held by me, the petitioner cannot get a mark for his answer to this question. As regards question No. 18 in the fill in the blanks section of the Physics paper, it is stated in the supplemental affidavit of the 1st respondent dated 14-3-1993 that the petitioner''s answer is from 8.4 MeV to 8.&MeV. This answer cannot be said to be wrong as per my discussion earlier. The petitioner will get a mark for this question.

47. Before concluding, certain observations have to be noted. Some of the questions and the key answers to them considered by me establish that the examiners, moderators and others concerned with the conduct of the examinations have not taken sufficient care in seeing that the questions are within the syllabi prescribed for Intermediate. This is rather obvious in the case of question No. 9 in the fill in the blanks section of the Physics paper. None of the text books in Physics prescribed for Intermediate deal with ''hysteresis curves''. They are dealt with in the Physics text books prescribed for B.Sc., and Engineering courses. In the case of question No. 10 in the multiple choice section of the Biology paper also I find that the expression'' Alecithal'' is not used in any of the text books for Zoology prescribed for Intermediate course. Instead ''Homolecithal'' and Tsolecithal'' expressions are used. Only in specialised books on Embriology this categorisation and nomenclature of the eggs is found. So also in the case of question No. 18 in the fill in the blanks section of the Chemistry paper. In the prescribed text books, the part played by concentrated H2SO4 in the synthesis of esters is stated as that of catalyst only - not as a dehydrating agent also. It may be that the prescribed text books are not upto the mark and that they do not deal with the subjects comprehensively. That is a gap to be filled up by the educationists. The Board of Intermediate Education should take up the matter seriously and see that good text books are chosen and prescribed.

Another aspect is that some of the questions chosen are ambiguous like questions Nos. 4, 8 and 23 in the fill in the blanks section of the Biology paper, questions Nos. 18 and 22 in the fill in the blanks section of the Physics paper and question No. 18 in the fill in the blanks section of the Chemistry paper. It is stated by one of the petitioners that none of the choices in question No. 15 of the multiple choice section of the Physics paper is correct and that all were given a mark for that question. This is an unfortunate state of affairs. It may be that even after elaborate care such instances cannot be avoided. A proper corrective is to publish the key answers along with the results so that if any such lapse is pointed out or is detected immediate steps for rectification of the same can be made. I am in agreement with the view of the Himachal Pradesh High Court in Shri Asheesh Sharma and Another Vs. Himachal Pradesh University, Shimla and Others, that the key answers should be published and that immediate steps should be taken if any answer is clearly demonstrated to be wrong or any question is found to be ambiguous and far beyond the scope of the syllabi. The State Council of Higher Education which is entrusted with the constitution of Entrance Test Committee under Rule 10 of the Rules should look into these matters and take appropriate decisions in that regard. As already pointed out by me earlier, under sub-section (2) of Section 11 of the Andhra Pradesh State Council of Higher Education Act, 1988, one of the functions entrusted to the State Council is "to conduct entrance examination for admission to institutions of higher education and render advice on admissions". The State Council owes to the student community to harken to its task of seeing that these examinations are conducted in a manner which infuses confidence in the parents and students alike about their probity and academic rectitude. It begins with the appointment of a conscientious Entrance Test Committee which takes to its duties with all seriousness, and with academic objectivity and impartiality.

48. It is brought to my notice when these writ petitions have been posted for judgment on 15-4-1993, that in W.P.No. 10043/92, the petitioner filed an additional affidavit along with W.P.M.P.No. 22123/1992 stating that when she perused her answer scripts produced in court, she found that though she had written correct answers for Question No. 28 in Biology and Questions Nos. 25 and 30 in Chemistry, she was not awarded marks for them. On behalf of the first respondent, additional counter affidavit was filed disputing the same and contending that the petitioner''s answers were not correct, did not tally with the given answers and therefore, marks were not given. The question in the Biology paper in respect of which the petitioner contends that her answer is correct is "the right auricle in frog receives.....blood". That question is in the ''Fill in the blanks'' section of the Biology paper and its number is not 28, but 8 in B604. It is stated in the additional counter affidavit filed by the first respondent that the petitioner''s answer to the said Question No. 8 in ''mixed'' and that it did not tally I with the key answer and that therefore, no mark was given. While dealing with question No. 8 earlier I have taken the view that the said answer to the question i.e., ''mixed'' cannot be held to be wrong. This petitioner therefore, should be

given a mark for her answer to this question also. Question No. 25 in the Chemistry paper referred to by the petitioner is the "melting point of SiO2 is very high since the type of bonding in its....." The petitioner does not press her contention in respect of this question.

49. Question No. 30 in the Chemistry paper referred to by the petitioner is "temporary hardness of water can be removed by adding.....". She states that she has filled in the blank with the answer ''milk of lime''. In the additional affidavit of the first respondent, it is stated that the key answer to the said question is Ca (OH)2/Cao/Lime/Slaked lime/Quick lime and that because the petitioner''s answer did not tally with any of them, she was not given any mark. In the third party affidavit of Sri U. Muralikrishna filed on behalf of the first respondent, it is stated that the correct answer to the said question is the key answer and that ''milk of lime'' is not the correct answer, because milk of lime is CaCo3. Sri Muralikrishna states that he is working as Professor in Chemistry in the Andhra University. In ''A text book of Chemistry by P.P. Gupta and others Volume 2 (4th Edition) at page 303 under the Heading ''Clark''s Process'', it is stated that ''Temporary hard water is treated with a calculated quantity of slaked lime. Then soluble bicarbonates are converted into insoluble carbonates. They are removed by filtration." The chemical formula of slaked lime is given as Ca OH2. I do not find anything in the other prescribed text book of Chemistry i.e., ''Vignyan''s on this subject. The learned counsel for the petitioner referred to ''Text Book of Inorganic Chemistry ''by P.L. Soni, wherein at page 2.54 it is stated as follows under the heading ''Water Softening'':-

"Clarks''s method:- By the addition of a calculated quanity of milk of lime, the soluble bicarbonates are converted into insoluble carbonates which settle to the bottom and are removed."

The chemical formula of milk of lime is given as Ca OH2. In Volume 4 of the Encyclopaedia Britannica (1967 Edition) at page 595 in the first column, the following passage occurs while dealing with Calcium:-

"Calcium forms the monoxide, CaO, the peroxide, CaO2, and possibly a tetroxide, CaO4. The monoxide is commonly called lime (q.v) or quick lime and the corresponding hydroxide, Ca(OH)2, is some times called slaked lime.

The hydroxide is an inexpensive alkaline substance. It is not very soluble in water, and is generally used in the form of a suspension of the solid in water called milk of lime."

I am therefore, satisfied that milk of lime is not different from Ca (OH)2. It is a suspension of Ca (OH)2 in water. It is not Ca Co3. Therefore, the learned Professors'' statement in the affidavit that milk of lime is not the correct answer, proceeds on the erroneous basis that it is a solution/suspension in water of Ca Co3 and not of Ca (OH)2.. His error cannot be visited upon the petitioner. I am therefore, of the view that the petitioner should be given a mark for her answer to this question.

50. In the result, Writ Petition Nos. 9277, 16303, 16534 and 16655 of 1992 are dismissed. No costs.

51. In W.P. No. 9063/1992, the petitioner should be given two additional marks for her answers to Question No. 10 in the ''Multiple choice'' section of the Biology paper and Question No. 8 in the ''Fill in the blanks'' section of the Biology paper (B604).

52. In W.P. No. 10043/1992 the petitioner should be given three additional marks i.e. for Question No. 20 in the ''Filling in the blanks'' section of the Physics paper (PB 604), Question No. 8 in the ''Fill in the blanks'' section of Biology paper (B 604) and Question No. 15 in the ''Fill in the blanks'' section of the Chemistry paper (CB 604).

53. In W.P. No. 16145 of 1992, the petitioner should be given two additional marks i.e. for Question No. 8 in the ''Fill in the blanks'' section of the Biology paper (B 604) and Question No. 18 in the ''Fill in the blanks'' section of the Physics paper (PB 604).

54. Petitioner in W.P.No. 16148/1992 should be given two additional marks i.e. Question Nos. 18 and 20 in the ''Fill in the blanks'' section of the Physics paper (PB 604).

55. Petitioner in W.P.No. 17521/1992 should be given one additional mark i.e. for Question No. 18 in the ''Fill in the blanks'' section of the Physics paper (PB 604).

56. Petitioner in W.P.No. 16540/1992 should be given two additional marks i.e. for Question No. 10 in the ''Multiple choice'' section of the Biology paper (B 604) and for Question No. 18 in the ''Fill in the blanks'' section of the Physics paper (PB 604).

57. Petitioner in W.P.Nol6654/1992 should be given one additional mark i.e. for Question No. 18 in the ''Fill in the blanks'' section of the Physics paper (PB 604) and

58. Petitioner in W.P. No. 16850/1992 should be given one additional mark i.e. for Question No. 18 in the ''Fill in the blanks'' section of Physics paper (PB 604).

59. Writ Petition Nos. 9063, 10043, 16145, 16148, 17521, 16540, 16654 and 16850 of 1992 are accordingly allowed.

60. The Convenor, EAMCET-92 who is one of the respondents in these writ petitions is directed to add additional marks to the (sic) indicated above to each of the petitioners in the Writ Petition Nos. 9063, 1003, 16145, 16148, 17521, 16540,16654 and 16850 of 1992 and issue revised merit and to them with the correct marks and revised ranks by 30-4-1993 and communicate the same to the writ petitioners as well as the University of Health Sciences. The University of Health Sciences is directed to reserve eight (8) seats to the writ petitioners in these writ petitions till the University receives the revised Merit Cards in respect of these petitioners and till the case of each of the petitioners for admission to

First Year M.B.B.S. Course for 1992-93 is considered by the University in accordance With their revised ranks and the Rules in force. No Costs.

