
(2013) 11 MP CK 0083
In the Madhya Pradesh High Court
Case No : Writ Petition No. 4689 of 2012

Shashi Kant Dubey

APPELLANT

Vs

State of M.P. and Others

RESPONDENT

Date of Decision : 19-11-2013

Acts Referred:

Citation : (2013) 11 MP CK 0083

Hon'ble Judges : Sujoy Paul, J

Bench : Single Bench

Advocate : Ankur Mody, for the Appellant; Sangita Pachauri, Dy. Government Advocate for Respondent No. 1/State and Shri Deepak Chandana, Learned Counsel for the Respondent No. 2, for the Respondent

Judgement

Sujoy Paul, J.—In this writ petition, the petitioner has assailed the action of the respondents in not deciding his objection against certain alleged incorrect answers.

The petitioner submitted his candidature for the post of Samvida Shala Shikshak Grade-1. In the exam conducted by the respondent No. 1, it is contended that certain answers were incorrect. The petitioner has prepared a comparative table to demonstrate the questions and answers. This indicates the answers given in the modal answers as well as the answers given by the petitioner. The petitioner marked his answer as "correct answer" in the table. The table reads as under:-

Detailed Comparative Chart

2. Learned counsel for the petitioner submits that question No. 115 aforesaid has a well known answer. The answer of this question is "Bal Gangadhar Tilak". He submits that the answer to this question No. 115 is known to everybody in India since childhood.

He attacked question No. 135 on the ground that the correct answer is "193". Similarly, he assailed the questions No. 51, 59 and 70 on the ground that the

answers are incorrect.

3. It is opposed by Shri Deepak Chandana, learned counsel for the respondent No. 2 on the ground that the answers were selected by the expert body and the same cannot be made subject matter of judicial review by this Court. He relied on H.P. Public Service Commission Vs. Mukesh Thakur and Another, .

4. I have heard learned counsel for the parties on this aspect.

5. The Apex Court in Mukesh Thakur (supra) opined that it is not permissible for this Court to examine the question paper and answer sheet itself particularly when it does not have expertise in those subjects. Considering this aspect, the Indore Bench of this Court in Writ Petition No. 1506/2012 (Rekha Sachdev vs. State of MP and others) and other connected matters referred the matter to the Principal Secretary of the Government of M.P., General Administration Department, to submit a detailed and exhaustive report. After receiving the report, the said matters were decided by Indore Bench on 7.12.2012. I deem it proper to adopt the same course.

6. Accordingly, the Principal Secretary, General Administration Department, Government of MP, is directed to constitute a committee of three experts to examine the correctness of the answers given in the model answer of the Board. The said committee shall examine the questions and answers mentioned in the aforesaid table.

7. In addition, the contention of the petitioner was that certain questions may have two correct answers. For example, it is contended that Karl Marx or Adam Smith both may be treated as associated with economic theory. This Court in Alok Gupta vs. M.P. Professional Examination Board, reported in 2012 (1) MPLJ 482, opined as under:-

20. However, before parting with the matter, this Court would like to observe that in future the Professional Examination Board should act and conduct itself more professionally. Mistakes of such kind generate unnecessary litigation and heart burning amongst candidates and loss of faith in the Professional Examination Board. In an objective type test, multiple choice is given to the candidates, it is necessary in such cases to take extreme care to see that questions are not ambiguous. This kind of examination system merely involves the provision of marking a tick () to the correct answer. There is no room for any reasoning or argument. The answer of candidate is "yes" or "no". In that situation, the question has to be clear and unequivocal. It is also necessary to cure the defect in question papers or key answers promptly or timely so that candidates are not put to jeopardy and inconvenience. Therefore, all care should be taken in future so that such mistakes do not occur.

8. In view of this finding, it is clear that in a system of Multiple Choice Objective Type Test, care must be taken to see that questions having ambiguous import are not set in the paper. That kind of system of examination involves merely the

tick () marking of the correct answer or making it dark in case of OMR Sheet. It leaves no scope for reasoning or argument. Thus, questions must be clear and unequivocal.

9. In this view of the matter, the expert committee shall also give opinion in its report whether questions No. 51, 59 and 70 can have more than one correct answers. It shall also given opinion whether these questions are ambiguous or not.

10. The aforesaid exercise be completed within 30 days from the date of production of certified copy of this order.

11. Shri M.P.S. Raghuvanshi, learned Additional Advocate General, Gwalior is requested to communicate this order to the concerned Principal Secretary to do the needful. Registry is directed to provide certified copy of this order to learned Additional Advocate General free of cost. Petitioner is given liberty to mention the matter after receiving the report.