

(2013) 10 KAR CK 0189

In the Karnataka High Court

Case No : Writ Petition No. 47768 of 2012 (S-KAT)

Sri. Devaraje Gowda R.

APPELLANT

Vs

The State of Karnataka

RESPONDENT

Date of Decision : 07-10-2013

Acts Referred:

Citation : (2013) 10 KAR CK 0189

Hon'ble Judges : V. Suri Appa Rao, J;N. Kumar, J

Bench : Division Bench

Advocate : Venkatesh R. Bhagat, for the Appellant; S. Susheela, AGA, for the Respondent

Final Decision : Dismissed

Judgement

N. Kumar, J.—The petitioner has challenged the common order passed by the Karnataka Administrative Tribunal on 29th August 2012 in Application No. 1433/2010 and other connected matters where the Tribunal held that multiple answers enures to the benefit of the candidates and therefore, awarding of marks to each of the multiple option was the appropriate step and cancelling the evaluation and select list is not the proper course of action as only a few of the questions have multiple answers. In fact the writ petitions filed challenging the said order are already dismissed by this Court by its order dated 5th April, 2013 in W.P. No. 43774/2012 and connected matters by a considered order as under:

From the facts set out above, it is clear that for one question four options were given. According to written instructions, one answer is the correct answer. All the applicants took the examination. After examination, the key answers were published. Objections were called for. Objections were received. Then on considering the objections, the authorities found in respect of 12 questions, two out of 4 answers provided are correct answers. Therefore, they did not want to put the applicants, who have taken examination in jeopardy. Therefore, they issued one more notification giving revised key answers and in respect of 12 questions out of four questions two options are correct answers. By the said

process, no applicants, who took examination, were affected. If there was a doubt about correctness of the order or any error on the part of the persons, who have prepared the key answers, on the said question, instead of one answer for the two questions are held to be correct answers. It is for the benefit of the persons who took the examination. Merely because, the petitioner was not successful in the said, he cannot turn around and say because of the revised answers he has failed in the examination. Revised key answers also enure to his benefit. If in spite of revised key answers, he was not successful, he cannot challenge the revised key answers, which are just and reasonable, which is for the benefit of the applicant, who took the examination. Therefore, the tribunal on careful consideration of the rival contentions, keeping in mind the law declared by the Apex Court by reasoned order, was justified in rejecting the application. In that view of the matter, we do not see any merit in these writ petitions. Accordingly, they are dismissed.

2. In this writ petition, the learned counsel wants to urge an additional ground, which was also heard before the Tribunal. That is, the examination was conducted District wise. According to him, the examination should have been conducted State wise. The reservation was provided District wise. According to him the reservation should have been provided State wise basis and in support of the contention, he relies on two judgments of the Apex Court. However, it is well settled law that if really the petitioner was aggrieved by the said reservation, he should have challenged the very notification. He did not do so. He filed an application in pursuance of the notification. It is only when he was not selected, he has approached the Tribunal raising that objection by filing an application. In terms of the notification, he has acquiesced with the said stipulation of the notification, he is estopped from challenging. In that view of the matter, we do not see any merit in that contention also. Accordingly, the petition is dismissed.